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THOMAS R. VIGIL LAW OFFICES
319 BLUFF COURT
BARRINGTON, IL 60010

MAILED
AUG 23 2011
PCT LEGAL ADMINISTRATION

In re Application of MARCHESINI :
U.S. Application No.: 13/138,118 :
PCT Application No.: PCT/IT2009/000575 :
Int. Filing Date: 22 December 2009 :
Priority Date Claimed: 23 December 2008 : DECISION
Attorney Docket No.: VLM-40016 :
For: DEVICE FOR AUTOMATICALLY :
RESETTING THE EMERGENCY BRAKE :
IN TRAINS :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 07 July 2011.

BACKGROUND

On 22 December 2009, applicant filed international application PCT/IT2009/000575, which claimed priority of an earlier Italy application filed 23 December 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 01 July 2010. The thirty-month period for paying the basic national fee in the United States expired on 23 June 2011.

On 24 June 2011, international application PCT/IT2009/000575 became abandoned as to the United States for failure to timely pay the basic national fee.

On 07 July 2011, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before

08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 22 December 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 07 July 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303

Facsimile: 571-273-0459



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
13/138,119	07/07/2011	Yoshiyuki Watanabe	14696/21	9061				
<div>26646 7590 09/14/2011</div> <div>KENYON & KENYON LLP</div> <div>ONE BROADWAY</div> <div>NEW YORK, NY 10004</div>								
EXAMINER								
<table border="1"><thead><tr><th>ART UNIT</th><th>PAPER NUMBER</th></tr></thead><tbody><tr><td>1733</td><td></td></tr></tbody></table>					ART UNIT	PAPER NUMBER	1733	
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<table border="1"><thead><tr><th>MAIL DATE</th><th>DELIVERY MODE</th></tr></thead><tbody><tr><td>09/14/2011</td><td>PAPER</td></tr></tbody></table>					MAIL DATE	DELIVERY MODE	09/14/2011	PAPER
MAIL DATE	DELIVERY MODE							
09/14/2011	PAPER							

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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September 14, 2011

In re application of	:	DECISION ON REQUEST TO
Yoshiyuki Watanabe et al.	:	PARTICIPATE IN PATENT
Serial No. 13/138,119	:	PROSECUTION HIGHWAY
Filed: July 07, 2011	:	PROGRAM AND
Attorney Docket No: 1496/21	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed August 10, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:

- i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
- Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- (6) Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



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P.O. Box 1450
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Harness, Dickey & Pierce P.L.C.
P.O. Box 8910
Reston VA 20195

MAILED

JAN 10 2012

In re Application of	:	DECISION ON	PCT LEGAL ADMINISTRATION
USUI et al	:		
Application No.: 13/138,191	:		
PCT No.: PCT/JP2010/054064	:		
Int. Filing Date: 04 March 2010	:	PETITION UNDER	
Priority Date: 10 March 2009	:		
Attorney's Docket No.: 6547-000273/US/NP	:		
For: HEAD CLEANING DEVICE, IMAGE...	:		
CLEANING MEHTOD	:	37 CFR 1.181	

This is in response to petitioner's "Petition Under 37 CFR 1.181" filed 07 November 2011, requesting that the above-identified international application to withdraw the Notification of Missing Requirements (PCT/DO/EO/905) because the executed declaration was filed timely as evidenced by the USPTO stamped postcard.

BACKGROUND

On 18 July 2011, applicants filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee.

On 12 September 2011, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment

On 07 November 2011, applicants filed the current petition indicating that the executed declaration was filed on 18 July 2011 as evidenced by the USPTO stamped postcard.

On 23 November 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) date is 07/18/2011 and that the date of completion of all 35 U.S.C. 371 is 10 September 2011.

DISCUSSION

Applicants' present petition is accompanied by a copy of the following documents, filed purportedly, *inter alia*, with the USPTO as indicated in the USPTO stamped postcard:

- (1) National Stage Transmittal (3 sheets)
- (2) Application Data Sheets (6 pages)
- (3) Declaration (4 sheets)
- (4) Drawings (13 sheets)

The postcard lists the above items and bears a USPTO date of stamp as 18 July 2011.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicants' postcard is accepted as *prima facie* that an executed Declaration was deposited with the U.S. Patent and Trademark Office on 18 July 2011.

Accordingly, the date of receipt for the executed Declaration is 18 July 2011.

DECISION

The petition under 37 CFR 1.181 is GRANTED.

Applicants' petition to withdraw the "NOTIFICATION OF MISSING REQUIREMENTS (PTO/DO/EO/905)" is GRANTED. The NOTIFICATION OF MISSING REQUIREMENTS (PTO/DO/EO/905) mailed 12 September 2011 has been VACATED with the mailing of this decision.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date is 18 July 2011.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Prosec Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 9/13/2012, OMB 0651-0002

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/138,192	Filing date:	July 18, 2011
First Named Inventor:	Joachim Bartheleme		
Title of the Invention:	Transport System for Providing Printing Forms to a Printing Press		
<p>THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EFSWEB_HELP.HTML</p>			
<p>APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.</p>			
<p>The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.</p>			
<p>The corresponding PCT application number(s) is/are: PCT/EP2009/062991</p>			
<p>The international date of the corresponding PCT application(s) is/are: October 6, 2009</p>			
<p>i. List of Required Documents:</p>			
<p>a. A copy of the latest international work product (WO/ISA, WO/PEA, or IPER) in the above-identified corresponding PCT application(s)</p>			
<p><input type="checkbox"/> is attached</p>			
<p><input checked="" type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.</p>			
<p>b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).</p>			
<p><input type="checkbox"/> is attached</p>			
<p><input checked="" type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.</p>			
<p>c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.</p>			

Page 1 of 3

This collection of information is required by 35 U.S.C. 115, 37 CFR 1.55, and 37 CFR 1.52 and 37 CFR 1.51 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1400, Alexandria, VA 22304-1400. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE EPO AND THE USPTO**

(continued)

Application No.	13/138,192
First Named Inventor	Joachim Barthelme

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/PEA, IPER) of the corresponding PCT application.

☐

Is attached

☒Has already been filed in the above-identified U.S. application on July 18, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒Have already been filed in the above-identified U.S. application on July 18, 2011**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
40 - 42	1 - 3	direct correspondence
43	4	U.S. claim amended to remove multiple dependency
44	5	direct correspondence
45	6	U.S. claim amended to remove multiple dependency
46 - 50	7 - 11	direct correspondence
51	12	U.S. claim amended to remove multiple dependency
52, 53	13, 14	direct correspondence
54 - 56	15 - 17	U.S. claims amended to remove multiple dependencies
57 - 60	18 - 21	direct correspondence
61	22	U.S. claim amended to remove multiple dependency
62	23	direct correspondence
63, 64	24, 25	U.S. claims amended to remove multiple dependencies
65	26	direct correspondence
66	27	U.S. claim amended to remove multiple dependency
67	28	direct correspondence
68	29	U.S. claim amended to remove multiple dependency
69, 70	30, 31	direct correspondence

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Continued

Application No.:	13/138,192
First Named Inventor:	Joachim Barthelme

-

1995

-

Has already been filed in the above-referenced U.S. application on July 18, 2011

-


2000

- ☒

Have already been filed in the above identified U.S. application on July 18, 2011

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date August 17, 2011
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

4306 OLDE FORGE CT., FAIRFAX, VA 22032

TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 14 July 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/062991, filed on 6 October 2009 and published on 29 July 2010 under No. WO 2010/083898 A1. The undersigned further states that the prosecution document associated with PCT/EP2009/062991 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.


Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 21 April, 2011

2. This report comprises a total of 9 pages including this cover sheet.
3. Enclosures are also included with the report; these include

A total of 11 pages (*sent to the applicant and to the International Authority*), which include

Sheets of the description, claims and/or drawings which have been amended and are the basis of this report, and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box IV Lack of unity of invention

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language**, this report is based on:

the international application in the language in which it was filed.
2. With regard to the **elements** of the international application, this report is based on:

the description, pages

2, 3, 5-96	as originally filed/furnished
1, 1a, 4	received with the letter dated 22-03-2010

the claims, Nos.

1-39	received with the letter dated 22-03-2010
------	---

the drawings, pages

1-46	as originally filed/furnished
------	-------------------------------

Box IV. Lack of Unity of Invention

1. In response to the invitation to restrict the claims or pay additional fees, the applicant has paid the additional fees in a timely manner.
3. In the opinion of this Authority, the requirement of unity of invention has not been met for the following reasons:

See attached sheet

4. Therefore, this report has been prepared for the following parts of the international application:

All parts.

Box V.

1. Statement

Novelty (N)	Yes: Claims 1-39
	No: Claims

Inventive Step (IS)	Yes: Claims 1-39
	No: Claims

Industrial Applicability (IA)	Yes: Claims 1-39
	No: Claims

2. Citations and Explanations (Rule 70.7):

See supplementary pages

Reference is made to the following documents:

- D1 US 2007/272105 A1 (BURGESS DENNIS M [US] ET AL) 29 November 2007 (2007-11-29)
- D2 US 2008/271629 A1 (FISCHER ANNEMARIE [DE] ET AL) 6 November 2008 (2008-11-06)
- D3 DE 20 2007 011576 U1 (NEUMEISTER GEB GMBH [DE]) 31 October 2007 (2007-10-31), cited in the application
- D4 DE 10 2006 032203 A1 (KOENIG & BAUER AG [DE]) 17 January 2008 (2008-01-17), cited in the application
- D5 DE 10 2006 032204 B3 (KOENIG & BAUER AG [DE]) 31 October 2007 (2007-10-31), cited in the application
- D6 DE 10 2006 061452 A1 (ROLAND MAN DRUCKMASCH [DE]) 26 June 2008 (2008-06-26), cited in the application
- D7 GB 2 413 530 A (GOSS GRAPHIC SYSTEMS LTD [GB]) 2 November 2005 (2005-11-02), cited in the application
- D8 EP 1 878 570 A2 (KOENIG & BAUER AG [DE]) 16 January 2008 (2008-01-16), cited in the application
- D9 EP 1 435 292 A1 (OHG GIOVANNI CERUTTI S P A [IT]) 7 July 2004 (2004-07-07), cited in the application
- D10 EP 1 002 646 A1 (TOKYO KIKAI SEISAKUSHO LTD [JP]) 24 May 2000 (2000-05-24), cited in the application
- D11 WO 2004/085153 A2 (KOENIG & BAUER AG [DE]; SCHNEIDER GEORG [DE]; SCHAEFER KARL ROBERT [DE]) 7 October 2004 (2004-10-07), cited in the application
- D12 DE 103 14 341 B3 (KOENIG & BAUER AG [DE]) 12 August 2004 (2004-08-12), cited in the application
- D13 US 4 727 807 A (SUZUKI KUNIO [JP] ET AL) 1 March 1988 (1988-03-01), cited in the application

Re Box IV:

1. This Authority has determined that the international application contains multiple inventions or groups of inventions that are not so linked as to form a single general inventive concept (PCT Rule 13.1), specifically:

I: Claims 1 and 3-39 (claims 3-39: where dependent on claim 1):

A transport system for providing printing formes (01) to a printing unit (44; 44.1; 44.2),

wherein a **printing forme magazine (09)** is disposed between walls of a frame (16) of said printing unit (44; 44.1; 44.2) that are opposite one another in pairs, and is assigned to a forme cylinder (06) of said printing unit (44; 44.1; 44.2),

wherein a **magazine support (79)** is disposed in the printing forme magazine (09),

wherein the magazine support (79) is suitable for holding at least one cartridge (81),

wherein at least one **conveyor device (80)** is provided in the printing unit (44; 44.1; 44.2), and is disposed so as to be capable of conveying printing formes (01) stored in one of the cartridges (81), which are transported to the printing unit (44; 44.1; 44.2) and disposed in the printing unit (44; 44.1; 44.2), out of said cartridge (81) to the respectively assigned forme cylinder (06).

II: Claims 2 and 3-39 (claims 3-39: where dependent on claim 2):

A transport system for providing printing formes (01) to a printing unit (44; 44.1; 44.2),

wherein the transport vehicle (83) has a **support system (84)**,

wherein, at the printing unit (44; 44.1; 44.2), in conjunction with a **parking position** for the transport vehicle (83), a **holding space (85)** is provided, in addition to the number of forme cylinders (06) disposed on the same operating side of the printing unit (44; 44.1; 44.2), for at least one cartridge (81) to be replaced in the printing unit (44; 44.1; 44.2),

wherein a **gripper device (72)** is provided, which is disposed so as to be capable of removing cartridges (81), provided by the transport vehicle (83) to the printing unit (44; 44.1; 44.2), from the support system (84) of the transport vehicle (83) individually, and so as to be capable of inserting a cartridge (81), placed in advance in the holding space (85) provided in conjunction with the parking position for the transport vehicle (83), into a free insertion space of said transport vehicle (83).

2. The shared or corresponding technical features of all independent claims are:

"A transport system for providing printing formes (01) to a printing unit (44; 44.1; 44.2), wherein a plurality of printing formes (01) can be transported in the same cartridge (81), wherein a transport vehicle (83) is provided, wherein a plurality of cartridges can be transported simultaneously by means of the transport vehicle."

3. The document:

D1 US 2007/272105 A1 (BURGESS DENNIS M [US] ET AL) 29 November 2007 (2007-11-29)

discloses (the references between parentheses relate to said document) a transport system for providing printing formes to a printing unit (see, for example, {0080}, figure 23), wherein a plurality of printing formes can be transported in the same cartridge (pod 3), wherein a transport vehicle (pod elevator 4) is provided, wherein a plurality of cartridges (3) can be transported simultaneously by means of the transport vehicle (4) (see figures 19-23).

Document D2 also discloses a transport system for providing printing formes to a printing unit, wherein a plurality of printing formes can be transported in the same cartridge (20), wherein a transport vehicle (23) is provided, wherein a plurality of cartridges can be transported simultaneously by means of the transport vehicle (4) (see figure 1).

Therefore, this concept is not novel.

4. Consequently, the groups of claims are not linked by common or corresponding special technical features and specify 2 different inventions which are not linked by a single, common inventive concept.

Therefore, the application fails to comply with the requirement of unity of invention (PCT Rule 13.1 and 13.2).

Re Box V.

1. Claims 1 and 3-39 (claims 3-39; where dependent on claim 1):

D1 (US 2007/0272105) is considered to be the prior art closest to the subject matter of claim 1, and discloses all the features of the preamble of claim 1 (see figures 19-23).

The subject matter of claim 1 therefore differs from the known transport system in that a printing forme magazine (09) is disposed between walls of a frame (16) of said printing unit (44; 44.1; 44.2), arranged opposite one another in pairs, and is assigned to a forme cylinder (06) of said printing unit (44; 44.1; 44.2), wherein a magazine support (79) is disposed in the printing forme magazine (09), wherein the magazine support (79) is suitable for holding at least one cartridge (81), wherein at least one conveyor device (80) is provided in the printing unit (44; 44.1; 44.2) and is disposed so as to be capable of conveying printing formes (01) stored in one of the cartridges (81), which are transported to the printing unit (44; 44.1; 44.2) and disposed in the printing unit (44; 44.1; 44.2), out of said cartridge (81) to the respectively assigned forme cylinder (06), and is therefore novel (PCT Article 33(2)).

Documents D2-D13 contain no reference to these features. The subject matter of claim 1 is therefore inventive (PCT Article 33(3)).

Claims 3-39 (where dependent on claim 1) are dependent on claim 1 and therefore also meet the requirements of the PCT in respect of novelty and inventive step.

2. Claims 2 and 3-39 (claims 3-39: where dependent on claim 2):

D1 (US 2007/0272105) is considered to be the prior art closest to the subject matter of claim 2, and discloses all the features of the preamble of claim 2 (see figures 19-23).

The subject matter of claim 2 therefore differs from the known transport system in that at the printing unit (44; 44.1; 44.2), in conjunction with a parking position for the transport vehicle (83), a holding space (85) is provided, in addition to the number of forme cylinders (66) disposed on the same operating side of the printing unit (44; 44.1; 44.2), for at least one cartridge (81) to be replaced in the printing unit (44; 44.1; 44.2), wherein a gripper device (72) is provided, which is disposed so as to be capable of removing cartridges (81), provided by the transport vehicle (83) to the printing unit (44; 44.1; 44.2), from the support system (84) of the transport vehicle (83) individually, and so as to be capable of inserting a cartridge (81), placed in advance in the holding space (85) provided in conjunction with the parking position for the transport vehicle (83), into a free insertion space of said transport vehicle (83), and is therefore novel (PCT Article 33(2)).

Documents D2-D13 contain no reference to these features. The subject matter of claim 2 is therefore inventive (PCT Article 33(3)).

Claims 3-39 (where dependent on claim 2) are dependent on claim 2 and therefore also meet the requirements of the PCT in respect of novelty and inventive step.

Claims

1. A transport system for providing printing formes (01) to a printing unit (44; 44.1; 44.2), wherein a plurality of printing formes (01) can be transported in the same cartridge (81), wherein a transport vehicle (83) is provided, wherein a plurality of cartridges (81) can be transported simultaneously by means of the transport vehicle (83), characterized in that a printing forme magazine (09) is disposed between walls of a frame (16) of said printing unit (44; 44.1; 44.2), arranged opposite one another in pairs, and is assigned to a forme cylinder (06) of said printing unit (44; 44.1; 44.2), wherein a magazine support (79) is disposed in the printing forme magazine (09), wherein the magazine support (79) is suitable for holding at least one cartridge (81), wherein at least one conveyor device (80) is provided in the printing unit (44; 44.1; 44.2) and is disposed so as to be capable of conveying printing formes (01) stored in one of the cartridges (81), which are transported to the printing unit (44; 44.1; 44.2) and disposed in the printing unit (44; 44.1; 44.2), out of said cartridge (81) to the respectively assigned forme cylinder (06).
2. A transport system for providing printing formes (01) to a printing unit (44; 44.1; 44.2), wherein a plurality of printing formes (01) can be transported in the same cartridge (81), wherein a transport vehicle (83) is provided, wherein a plurality of cartridges (81) can be transported simultaneously by means of the transport vehicle (83), wherein the transport vehicle (83) has a support system (84), characterized in that, at the printing unit (44; 44.1; 44.2), in conjunction with a parking position for the transport vehicle (83), a holding space (85) is provided, in addition to the number of forme cylinders (06) disposed on the same operating side of the printing unit (44; 44.1; 44.2), for at least one cartridge (81) to be replaced in the printing unit (44; 44.1; 44.2), wherein a gripper device (72) is provided, which is disposed so as to be capable of removing cartridges (81),

provided by the transport vehicle (83) to the printing unit (44; 44.1; 44.2), from the support system (84) of the transport vehicle (83) individually, and so as to be capable of inserting a cartridge (81), placed in advance in the holding space (85) provided in conjunction with the parking position for the transport vehicle (83), into a free insertion space of said transport vehicle (83).

3. The transport system according to claim 2, characterized in that in the printing unit (44; 44.1; 44.2), at least one conveyor device (80) is provided, which is disposed so as to be capable of conveying printing formes (01) stored in one of the cartridges (81), which are transported to the printing unit (44; 44.1; 44.2) and disposed in the printing unit (44; 44.1; 44.2), out of said cartridge (81) to a forme cylinder (06) of said printing unit (44; 44.1; 44.2).
4. The transport system according to claim 1 or 2, characterized in that at least one rail (82) is provided, along which the transport vehicle (83) is guided or at least can be guided.
5. The transport system according to claim 1, characterized in that the transport vehicle (83) has a support system (84).
6. The transport system according to claim 2 or 5, characterized in that at least one cartridge (81) can be held in a horizontal alignment by the support system (84) of the transport vehicle (83).
7. The transport system according to claim 1, characterized in that at the printing unit (44; 44.1; 44.2), in conjunction with a parking position for the transport vehicle (83), a holding space (85) is provided, in addition to the number of forme cylinders (06) disposed on the same operating side of the printing unit (44; 44.1;

- 44.2), for at least one cartridge (81) to be replaced in the printing unit (44; 44.1; 44.2).
8. The transport system according to claim 5, characterized in that a gripper device (72) is provided, which is disposed so as to be capable of removing cartridges (81) provided by the transport vehicle (83) to the printing unit (44; 44.1; 44.2) from the support system (84) of the transport vehicle (83) individually.
9. The transport system according to claim 1, characterized in that the magazine support (79) of the printing forme magazine (09) is suitable for holding a plurality of cartridges (81).
10. The transport system according to claim 1, characterized in that in an operational condition, two cartridges (81) are disposed side by side on the same magazine support (79) in the same printing forme magazine (09).
11. The transport system according to claim 9, characterized in that a plurality of cartridges (81) are arranged in the printing forme magazine (09), each aligned with the respective forme cylinder (06), and are held in position by at least one stop mechanism.
12. The transport system according to claim 1 or 2, characterized in that on the same operating side of the printing unit (44; 44.1; 44.2), one printing forme magazine (09) is provided at each of different heights.
13. The transport system according to claim 12, characterized in that the gripper device (72) is disposed so as to be capable of inserting each cartridge (81).

removed from the support system (84) of the transport vehicle (83), into one of the printing forme magazines (09), which are arranged one above the other.

14. The transport system according to claim 13, characterized in that the gripper device (72) is disposed so as to be capable of placing a cartridge (81), removed from one of the printing forme magazines (09), in the holding space (85) provided in conjunction with the parking position for the transport vehicle (83) or directly onto the support system (84) of the transport vehicle (83).
15. The transport system according to claim 2 or 8, characterized in that the gripper device (72) is embodied as a robot.
16. The transport system according to claim 2 or 8, characterized in that, in connection with the gripper device (72), a positioning device is provided, which can be used to adjust gripper arms (114) of said gripper device (72) in relation to the cartridge (81) to be gripped.
17. The transport system according to claim 1 or 2, characterized in that a vehicle master computer (88) is provided, which controls a sequence of movements of the transport vehicle (83).
18. The transport system according to claim 17, characterized in that the vehicle master computer (88) is connected so as to communicate with a control module (174) of a plate logistics management system.
19. The transport system according to claim 17, characterized in that a plurality of transport vehicles (83) are provided, all of which are controlled in terms of their respective sequences of movements by the vehicle master computer (88).

20. The transport system according to claim 19, characterized in that each of the transport vehicles (83) has an identification code.
21. The transport system according to claim 19, characterized in that each of the cartridges (81) transported by one of the transport vehicles (83) has an identification code (104).
22. The transport system according to claim 1 or 2, characterized in that a loading device (63) is provided, which is capable of placing the printing formes (01), provided at an output (66) of a plate line comprising at least one plate exposure device (33), into cartridges (81) disposed on the transport vehicle (83).
23. The transport system according to claim 22, characterized in that in connection with the loading device (63), a control device is provided, which can be used to verify the correct arrangement of the printing formes (01) in the cartridges (81) on the basis of the print order.
24. The transport system according to claims 18 and 22, characterized in that the control module (174) of the plate logistics management system is connected so as to communicate not only with the vehicle master computer (88), but also with the loading device (63) that loads the cartridges (81) and with the gripper device (72) that handles the cartridges (81) at the printing unit (44; 44.1; 44.2).
25. The transport system according to claim 1 or 2, characterized in that each of the cartridges (81) has a plurality of compartments (58) arranged in different planes.

26. The transport system according to claim 25, characterized in that either two single-width printing formes (01) side by side or one double-width printing forme (01) can be arranged in each compartment (58) of each of the cartridges (81).
27. The transport system according to claim 1 or 2, characterized in that a plurality of transport vehicles (83) can be arranged side by side on the same operating side of the printing unit (44; 44.1; 44.2).
28. The transport system according to claim 12, characterized in that a plurality of cartridges (81) can be arranged side by side in the printing forme magazines (09) that are disposed in the printing unit (44; 44.1; 44.2).
29. The transport system according to at least one of the preceding claims, characterized in that the cartridges (81) are held on the support system (84) of the transport vehicle (83) and in the respective printing forme magazine (09) by means of identically structured connecting elements (106).
30. The transport system according to claim 28, characterized in that each of the connecting elements (106) can be detached independently by means of the gripper device (72).
31. The transport system according to claim 28, characterized in that each of the connecting elements (106) is embodied as a latching connector.
32. The transport system according to claim 1 or 2, characterized in that the cartridges (81) are embodied in a lightweight structure using a multicomponent material.

33. The transport system according to claim 1 or 2, characterized in that at least one unloading station (98) is provided, where printing formes (01) that have been transported away from the printing unit (44; 44.1; 44.2) can be automatically removed from the cartridges (81) transported by the transport vehicle (83), and additionally, these cartridges (81) disposed on the relevant transport vehicle (83) can be registered on the basis of their respective identification codes (104).
34. The transport system according to claim 12, characterized in that in the printing unit (44; 44.1; 44.2), one register device (132) and/or one contact pressure device (139) is provided in connection with each printing forme magazine (09).
35. The transport system according to claim 1 or 3, characterized in that each conveyor device (80) is formed on one of the printing forme magazines (09).
36. The transport system according to claim 1 or 3, characterized in that conveyor devices (80) are provided in the printing forme magazine (09), each acting over the entire width of the printing forme magazine (09).
37. The transport system according to claim 1 or 3, characterized in that each printing forme magazine (09), in conjunction with a linearly displaceable conveyor device (80), conveys at least one printing forme (01) stored in the printing forme magazine (09) to the assigned forme cylinder (06).
38. The transport system according to claim 1 or 3, characterized in that the printing forme magazine (09) has at least as many storage positions for printing formes (01) as the number of installation positions that are provided on the assigned forme cylinder (06).

39. The transport system according to claim 12, characterized in that each of the printing forme magazines (09) is disposed stationary in the printing unit (44; 44.1; 44.2).

REVISED PAGE



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/138,192	07/18/2011	Joachim Barthelme	WI.3131 PCT-US	5299
23294 7590 11/08/2011 JONES, TULLAR & COOPER, P.C. P.O. BOX 2266 EADS STATION ARLINGTON, VA 22202				
EXAMINER				
			ART UNIT	PAPER NUMBER
			2854	
			MAIL DATE	DELIVERY MODE
			11/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

NOV 8 2011

In re Application of

BARTHELME et al.

Application No.: 13/138,192

Filed: 18 July 2011

Attorney Docket No.: W1.3131 PCT-US

**For: TRANSPORT SYSTEM FOR
PROVIDING PRINTING FORMS TO A
PRINTING PRESS**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 17 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/138,261	Filing date:	February 10, 2010
First Named Inventor:	Stefano Tongioni		

Title of the invention: **COMBINED ACTION FILTER PRESS**

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: **PCT/IT2010/000045**

The international filing date of the corresponding PCT application(s) is/are: **February 10, 2010**

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	13/138,261
First Named Inventor:	Stefano Tongioni

- ☐ **WOLSA, INC**
Is attached

☒ Has already been filed in the above-identified U.S. application on July 25, 2011


- ☐ Are attached.

Have already been filed in the above-identified U.S. application on July 25, 2011

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date November 10, 2011
Name (Print/Typed) James V. Costigan	Registration Number 25,669



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HEDMAN & COSTIGAN, P.C.
1230 AVENUE OF THE AMERICAS
7TH FLOOR
NEW YORK NY 10020

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of:
Stefano Tongiani
Application No. 13/138,261
Filed: November 10, 2011
Attorney Docket No. 1333-064

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 10, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Petitions Examiner Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions



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SUITE 307
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MAR 26 2012

OFFICE OF PETITIONS

Applicant: Schwamborn et al
Appl. No.: 13/138,264
International Filing Date: January 26, 2010
Title: PENDULUM MILL
Attorney Docket No.: MA-A-PCT-US (N 1268 WO US
pub. No.: US 20110278386 A1
Pub. Date: November 17, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 4, 2012, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein one of the inventors' names has been misspelled.

37 CFR 1.221 (b) is applicable—"only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error on the front page of the publication wherein one of the inventor's name is misspelled is not a material error under 37 CFR 1.221(b). An error in an inventor's name and/or assignees name does not affect the understanding of the application. The error in the inventors name is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

On January 9, 2012, the Office mailed a corrected Filing Receipt which listed the correct spelling of the inventor's name. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):

Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions



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Raymond J Lillie
Carella Byrne Cecci Olstein Brody & Agnello
5 Becker Farm Road
Roseland NJ 07068-1739

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OCT 13 2011

PCT LEGAL ADMINISTRATION

In re Application of BAIN et al
U.S. Application No.: 13/138,268
PCT Application No.: PCT/GB2009/051713
Int. Filing Date: 15 December 2009
Priority Date Claimed: 19 December 2008
Attorney Docket No.: 430500-18
For: TREATMENT

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DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 26 July 2011.

BACKGROUND

On 15 December 2009, applicant filed international application PCT/GB2009/051713, which claimed priority of an earlier United Kingdom application filed 19 December 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 24 June 2010. The thirty-month period for paying the basic national fee in the United States expired on 20 June 2011.

On 21 June 2011, international application PCT/GB2009/051713 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 July 2011, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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PCT LEGAL ADMINISTRATION

Sim & McBurney
6 Floor, 330 University Avenue
Toronto ON M5G 1R7
CANADA

In re Application of
YOUNES, Magdy
Application No.: 13/138,279
PCT No.: PCT/CA2010/000134
International Filing Date: 29 January 2010
Priority Date: 29 January 2009
Attorney Docket No.: 11788-33 MIS
For: METHOD FOR ESTIMATING LEAKS
FROM VENTILATOR CIRCUITS

DECISION

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 08 September 2011.

BACKGROUND

On 29 January 2010, applicant filed international application PCT/CA2010/000134 which designated the U.S. and claimed a priority date of 29 January 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 July 2011.

On 27 July 2011, applicant filed a transmittal letter for entry into the national stage in the United States. The submission did not include the U.S. Basic National Fee.

On 09 August 2011, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee by 30 months from the earliest priority date.

On 08 September 2011, applicant filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the U.S. Basic National Fee was paid on 08 September 2011.

As to item (2), the petition fee was paid on 08 September 2011.

As to item (3), the requisite statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Hunton & Williams LLP
Intellectual Property Department
2200 Pennsylvania Avenue, N.W.
Washington, DC 20037

MAILED

SEP 01 2011

PCT LEGAL ADMINISTRATION

In re Application of :
WANASKI et al. :
Application No.: 13/138,282 :
PCT No.: PCT/US2010/000170 :
Int. Filing Date: 22 January 2010 :
Priority Date: 22 January 2009 :
Attorney Docket No.: 74126.000051 :
For: BUMTANIDE, FUROSEMIDE, :
PIRANIDE, AZOSEMIDE, AND :
TORSEMIDE ANALOGS, :
COMPOSITIONS AND METHODS OF :
USE :

**DECISION ON PETITION
UNDER 37 CFR 1.137(b)**

The petition to revive under 37 CFR 1.137(b) filed 27 July 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459



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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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MAR 09 2012
OFFICE OF PETITIONS

In re Application of
Hajime ISHIKAWA et al.
Application No.: 13/138,310
Filed: July 28, 2011
Attorney Docket No.: 52433/1091

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 12, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;

3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Thurman K. Page
Petitions Examiner
Office of Petitions



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2020 FRONT STREET
SUITE 307
CUYAHOGA FALLS, OH 44221

MAILED
JAN 26 2012
OFFICE OF PETITIONS

APPLICANT(S): BOEWING, et al.
Appl. No.: 13/138,361
International Filing Date: February 11, 2010
Title: METHOD FOR REGULATING A COMBUSTION ENGINE
Attorney Docket No.: STT-JJ-PCT-US (08738 PUS)
Pub. No.: US 2011/0290215 A1
Pub. Date: December 1, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on December 28, 2011, for the above-identified application.

The request is granted

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/138,383	08/08/2011	Jungeun Lee	IPA-034	4807
32628 7590 11/01/2011 KANESAKA BERNER AND PARTNERS LLP 1700 DIAGONAL RD SUITE 310 ALEXANDRIA, VA 22314-2848			EXAMINER THOMAS, ALEXANDER S	
			ART UNIT 1783	PAPER NUMBER
			MAIL DATE 11/01/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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November 1, 2011

WG

In re application of	:	DECISION ON REQUEST TO
Jungeun Lee	:	PARTICIPATE IN PATENT
Serial No. 13/138,383	:	PROSECUTION HIGHWAY
Filed: August 8, 2011	:	PROGRAM AND
For: PIECE OF CLOTH AND CLOTH	:	PETITION TO MAKE SPECIAL
PRODUCT CONSISTING OF A	:	UNDER 37 CFR 1.102(a)
LARGE NUMBER OF PIECES	:	
OF CLOTH	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed September 2, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700



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MEREK, BLACKMON & VOORHEES, LLC
673 S. WASHINGTON ST
ALEXANDRIA VA 22314

PCT LEGAL ADMINISTRATION

In re Application of: KRISTENSEN, Lars, et al. :
U.S. Application No.: 13/138,424 :
PCT No.: PCT/DK2009/050033 :
International Filing Date: 03 February 2009 :
Priority Date: 03 February 2009 :
Attorney's Docket No.: AWA.041 :
For: A METHOD FOR MAKING A :
WINDOW AND AN OPENING :
WINDOW :

DECISION ON PETITION UNDER
37 CFR 1.137(b)

The petition for revival under 37 CFR 1.137(b) filed 12 August 2011 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/DK2009/050033 became abandoned with respect to the United States at midnight on 03 August 2011 based on applicants' failure to submit payment of the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of the filing of the present national stage application and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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PCT LEGAL ADMINISTRATION

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
SMAILL, et al.	:	DECISION ON PETITION
U.S. Application No.: 13/138,429	:	
PCT No.: PCT/NZ2010/000040	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 11 March 2010	:	
Priority Date: 11 March 2009	:	
Atty Docket No.: LCM-5011-29	:	
For: PRODRUG FORMS OF KINASE INHIBITORS	:	
AND THEIR USE IN THERAPY	:	

This decision is in response to applicant's request to correct inventorship filed 07 November 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 11 March 2010, applicant filed international application PCT/NZ2010/000040, which claimed priority of an earlier application filed 11 March 2009. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 September 2010. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 September 2011.

On 12 August 2011, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 30 August 2011, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 21 October 2011, applicant responded with an executed declaration which listed an inventor, Michael Hay, who was not listed on the published international application.

On 26 October 2011, applicant was mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) advising applicant that the filed declaration was defective and giving applicant one month to file a proper response.

On 07 November 2011, applicant filed the response discussed herein.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

In the present case, an examination of applicant's filing and records of the International Bureau find that Michael Hay was identified as an applicant/inventor for the US only in the originally filed PCT Request. As such, it is not necessary to proceed under 37 CFR 1.497(d) as the error was not on the part of applicant. No petition fee will be charged. Now that the WIPO bibliographic data has been corrected to show that Mr. Hay is an inventor in the application it is proper to accept the declaration filed 21 October 2011.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **DISMISSED as moot.**

The application has an international filing date of 11 March 2010 under 35 U.S.C. 363, and will be given a date of **21 October 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Doc Code: PPH.PCT.552

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/28PCT-EP (05-10)

Approved for use through 01/31/2012, OMB 0551-0058

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/138,444	Filing date:	August 16, 2011
First Named Inventor:	Steven FLEMMING		

Title of the invention: Method for Adjusting an Area Coverage and a Corresponding Method for Execution in a Printing Press...

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFSWEB_HELP.HTML](http://www.uspto.gov/efsweb_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2010/050845

The international filing date of the corresponding PCT application(s) is/are: January 26, 2010

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/SPEA, or IPER) in the above-identified corresponding PCT application(s)

☐ is attached

☒ is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☐ is attached

☒ is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

(Page 1 of 3)

This collection of information is required by 35 U.S.C. 118, 37 CFR 1.55, and 37 CFR 1.102(b). The information is required to obtain or retain a benefit by the public, which is to be used by the USPTO in processing an application. Confidentiality is governed by 35 U.S.C. 132 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. There will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1455, Alexandria, VA 22304-1455. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

~~XXXXXXXXXX~~

Application No.:	13/138,444
First Named Inventor	Steven FLEMMING


- is attached

Has already been filed in the above-identified U.S. application on August 16, 2011

- ☐ Are attached

Have already been filed in the above-identified U.S. application on August 16, 2011

[illegible]

Signature 	Date September 16, 2011
Name (Print/Type) Douglas R. Hanscom	Registration Number 26,600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 - KDUNN6FAM@MSN.COM

Date: 26 July 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2010/050845, filed on 26 January 2010 and published on 19 August 2010 under No. WO 2010/091947 A1. The undersigned further states that the prosecution document associated with PCT/EP2010/050845 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.


Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 29 March, 2011

2. This report comprises a total of 5 pages including this cover sheet.
3. Enclosures are also included with the report; these include

A total of 10 pages (*sent to the applicant and to the International Authority*), which include

Sheets of the description, claims and/or drawings which have been amended and are the basis of this report, and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language**, this report is based on:

the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on:

the description, pages

1, 3, 4, 7-17

as originally filed/furnished

2, 2a, 5, 6

received with the letter dated 10 May 2010

the claims, Nos.

1-21

received with the letter dated 10 May 2010

the drawings, pages

1/5-5/5

as originally filed/furnished

3. Due to the changes, the following have been eliminated:

Claims Nos. 22-23

Box V.

1. Statement

Novelty (N)

Yes: Claims 1-21

No: Claims

Inventive Step (IS)

Yes: Claims 1-21

No: Claims

Industrial Applicability (IA)

Yes: Claims 1-21

No: Claims

2. Citations and Explanations (Rule 70.7):

See supplementary sheet

**INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY
(SUPPLEMENTARY SHEET)**

1 Reference is made to the following documents:

D1 DE 10 2008 029998 A1 (MANROLAND AG [DE]) 15 January 2009 (2009-01-15)

D2 JP 11 105255 A (KOMORI PRINTING MACH) 20 April 1999 (1999-04-20)

2 The present application appears to satisfy the requirements of PCT Article 33(1).

2.1 Independent claim 1

Document D1, which is considered to be the prior art closest to the subject matter of claim 1, discloses (the references between parentheses relate to said document) a method for operating printing presses (paragraph [0008]), wherein the area coverage is produced by an amount of an ink transferred to a substrate by an inking unit (30) of a printing press (1A, 1B), wherein when a final phase of a printing process executed previously by the printing press (1A, 1B) is reached, an ink feed to the inking unit (30) is disengaged at least zonally or is interrupted in the inking unit (30) (paragraphs [0029], [0030]), wherein the volume of ink remaining on the print substrate side after the disengagement or interruption of the ink feed in the inking unit (30) (paragraph [0035]) will continue to be transferred to the print substrate in the final phase of the printing process executed previously by the printing press (1A, 1B) until the area coverage produced with the volume of ink transferred to the print substrate drops below a predefined target value (paragraph [0050]).

The subject matter of claims 1 therefore differs from the known method in terms of its characterizing feature, and is therefore novel (PCT Article 33(2)).

The problem addressed by the present invention can therefore be considered that of reducing the amount of wasted paper produced during a changeover of a printing press from a running to a subsequent print job.

None of the documents cited in the search report suggests these features. The solution to this problem proposed in claim 1 of the present application therefore involves an inventive step (PCT Article 33(3)).

2.2 Independent claim 8

Independent claim 8 relates to a method similar to the method according to claim 1. The above argument therefore applies *mutatis mutandis* to the subject matter of claim 8.

2.3 Dependent claims 2-7 and 9-21

Claims 2-7 and 9-21 are each dependent on claims 1 and/or 8 and therefore also satisfy the requirements of the PCT in respect of novelty, inventive step, and industrial applicability.

Claims

1. A method for adjusting an area coverage, wherein the area coverage is produced using a volume of an ink transferred to a print substrate (02) by an inking unit (04) of a printing press (01), wherein, when a final phase of a printing process previously carried out by the printing press (01) is reached, an ink feed to the inking unit (04) is at least disengaged in zones or interrupted in the inking unit (04), wherein the volume of ink remaining on the print substrate side after the disengagement or interruption of the ink feed in the inking unit (04) in the final phase of the printing process currently being executed in the printing press (01) will continue to be transferred to the print substrate (02) until the area coverage produced with the volume of ink transferred to the print substrate (02) equals a target value for area coverage, wherein a changeover of the printing press from the printing process currently running in said printing press to a subsequent printing process is carried out in a control process that runs automatically, characterized in that in the subsequent printing process, the same ink is transferred from the inking unit (04) to the print substrate (02) as in the previous printing process, wherein the target value for the area coverage is equal to the area coverage predefined for a pre-print run of the subsequent printing process, wherein the control process is carried out taking into consideration the predefined target value for the area coverage to be adjusted.
2. The method according to claim 1, characterized in that a printing forme, inked by the inking unit (04) in the printing press (01) for the purpose of executing the previous printing process, is replaced by another printing forme provided for the purpose of executing the subsequent printing process only after the area coverage produced on the print substrate (02) with the volume of ink remaining in the inking unit (04) equals

the target value for area coverage predefined for the pre-print run of the subsequent printing process.

3. The method according to claim 1, characterized in that a control unit (16) compares the area coverage detected during the pre-print run of the subsequent printing process as an actual value with a target value for the area coverage predefined for said pre-print run, which is stored in a memory unit (18).
4. The method according to claim 3, characterized in that a computer unit (19) uses at least the comparison, carried out by the control unit (16), of the actual value for the detected area coverage with the target value thereof, predefined for the pre-print run of the subsequent printing process, to calculate a number of sheets of the sheet-type print substrate (02), wherein this number of sheets indicates how many additional sheets must be printed with the volume of ink remaining in the inking unit (04) until the area coverage equals the target value for area coverage predefined for the pre-print run of the subsequent printing process.
5. The method according to claim 1, characterized in that it is carried out for a printing press (01) comprising a plurality of printing couples (03), wherein each printing couple (03) is assigned its own inking unit (04), wherein in at least two of these printing couples (03), different inks are transferred to the same print substrate (02) transported through the printing press (01).
6. The method according to claim 5, characterized in that for each of a plurality of the printing couples (03), a computer unit (19) calculates the specific number of sheets of the sheet-type print substrate (02), indicating how many additional sheets must be printed with the volume of the particular ink remaining in the respective inking unit

(04) until the area coverage produced in connection with the respective inking unit (04) equals the target value, predefined for the pre-print run of the subsequent print process, for the area coverage to be produced in connection with the respective inking unit (04).

7. The method according to claim 5, characterized in that in the respective inking unit (04), the at least one ink forme roller (09) thereof is disengaged from the printing forme inked in the relevant printing couple (03) as soon as the number of sheets, calculated by the computer unit (19), that are required before the area coverage produced in connection with the respective inking unit (04) equals the target value for the area coverage to be produced in connection with the respective inking unit (04), predefined for the pre-print run of the subsequent printing process, have been imprinted in the relevant printing couple (03).
8. The method for execution in a printing press (01) comprising a plurality of printing couples (03), wherein at least two different inks are applied by these printing couples (03) to the same print substrate (02) along the transport path thereof through the printing press (01) in order to produce the same printed image, wherein an ink controller (24) calculates how many additional printed images must be imprinted by each of the respective printing couples (03) involved in producing these printed images, following an at least zonal disengagement or interruption of an ink feed in each of these printing couples (03), with a volume of ink remaining on the print substrate side in each respective printing couple (03), until an area coverage produced in each of the printing couples (03) with the volume of ink transferred to the print substrate (02) equals a target value for area coverage, wherein the area coverage is produced in each case by a volume of ink transferred to the print substrate (02) by an inking unit (04) belonging to the respective printing couple (03), wherein in the respective printing couple (03), at least one printing forme, inked by

the inking unit (04) for the purpose of executing a previous printing process, is replaced by another printing forme provided for the purpose of executing the subsequent printing process only after the area coverage produced on the print substrate (02) with the volume of ink remaining in the relevant inking unit (04) equals the target value for area coverage, wherein a changeover of the printing press from the printing process currently running in said printing press to a subsequent printing process is carried out in a control process that runs automatically, characterized in that in the subsequent printing process, the same ink is transferred to the print substrate (02) from each of the inking units (04) involved in executing the previous printing process as in the previous printing process, wherein the respective target value for the area coverage is equal in each case to the area coverage predefined for a pre-print run of the subsequent printing process, wherein the control process executed by the ink controller (24) is carried out taking into consideration the respective predefined target value for the area coverage to be adjusted.

9. The method according to claim 1 or 8, characterized in that the ink is transferred in the printing press (01) to a sheet-type or web-type print substrate (02).
10. The method according to claim 1 or 8, characterized in that the area coverage is adjusted with respect to a total area of the printed image or with respect to a partial area thereof.
11. The method according to claim 1 or 8, characterized in that the area coverage is adjusted with respect to a plurality of different partial areas of the same printed image, wherein for each of a plurality of these partial areas, the associated area coverage is adjusted.

12. The method according to claim 1 or 8, characterized in that the area coverage is adjusted in each case by an ink dosing system having a plurality of dosing elements that act in zones, wherein a plurality of ink zones are arranged side by side, transversely to the transport direction (T) of the print substrate (02) that is transported through the printing press.
13. The method according to claim 1 or 8, characterized in that the ink feed to the inking unit (04) or to the respective inking unit (04) is disengaged at least in zones by an actuation of an ink dosing system, wherein at least one dosing element of the ink dosing system is closed by this actuation.
14. The method according to claim 13, characterized in that actuation of the ink dosing system closes the dosing element, active in at least one ink zone, of the ink dosing system, which comprises a plurality of ink zones arranged in a row transversely to a direction of transport (T) of the print substrate (02).
15. The method according to claim 1 or 8, characterized in that the ink feed in the inking unit (04) or in the respective inking unit (04) is interrupted in each case by disengaging a ductor roller (14).
16. The method according to claim 1 or 8, characterized in that an ink measuring strip is produced on the print substrate (02) in the pre-print run of the subsequent printing process.
17. The method according to claim 1 or 8, characterized in that, at least during the pre-print run of the subsequent printing process, an ink density of the area coverage produced on the print substrate (02) is detected.

18. The method according to claim 17, characterized in that the ink density is detected within the printing press (01) by at least one sensing device (17).
19. The method according to claim 17, characterized in that the ink density is detected by an inline inspection system.
20. The method according to claim 4 or 8, characterized in that the number of sheets or the number of printed images is calculated, taking into consideration a rotational velocity of an ink fountain roller (07) belonging to the respective inking unit (04) and/or at least one time constant for building up and/or reducing an ink layer thickness in the respective inking unit (04) or printing couple (03).
21. The method according to claim 4 or 8, characterized in that the calculated number of sheets or printed images is displayed on a display device (23).



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/138,444	08/16/2011	Steven Flemming	W1.3101 PCT-US	1593
23294 7590 11/15/2011 JONES, TULLAR & COOPER, P.C. P.O. BOX 2266 EADS STATION ARLINGTON, VA 22202			EXAMINER	
			ART UNIT	PAPER NUMBER
			2854	
			MAIL DATE	DELIVERY MODE
			11/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
FLEMMING et al
Application No.: 13/138,444
Filed: August 16, 2011
Attorney Docket No.: W1.3101 PCT-US

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 16, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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David Watkins
1704 Dianne Avenue
Bellevue NE 68005

MAILED
SEP 27 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
WATKINS, David	:	
US Application No.: 13/138,521	:	PETITION
PCT Application No.: PCT/US2007/009304	:	
Int. Filing Date: 17 April 2007	:	UNDER
Priority Date: 26 April 2006	:	
For: METHOD AND SYSTEM FOR PURCHASING	:	37 CFR 1.137(b)
GOODS AND SERVICES FOR A GROUP OF	:	
INDIVIDUALS THROUGH A COMMUNICATIONS	:	
NETWORK	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 29 August 2011.

BACKGROUND

On 16 November 2007, applicant filed international application No. PCT/US2007/009304 and claimed a priority date of 26 April 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 November 2007. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 27 October 2008.

On 29 August 2011, applicant filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee and the instant petition.

DISCUSSION

1. Petition Under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional" and (4) any terminal disclaimer if the application was filed before 08 June 1995.

Regarding item (1), applicant has provided required reply.

Regarding item (2), applicant has provided the required petition fee.

Regarding item (3), the petition includes the statement that the entire delay was unintentional.

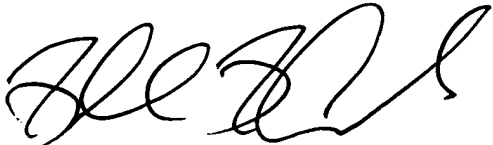
With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons set forth detailed above, applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557



Richard Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration



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Jennifer A. Harchick
7761 White Heron Trail
Alexandria, VA 22306

MAILED

JAN 30 2012

In re Application of	:	OFFICE OF PETITIONS
Mauro Gelli, et al.	:	
Application No. 13/138,548	:	DECISION ON PETITION
Filed: October 3, 2011	:	TO WITHDRAW
Attorney Docket No. 7798	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 6, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jennifer A. Harchick. Jennifer A. Harchick has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Breiner & Breiner, L.L.C.**
115 North Henry Street
Alexandria, VA 22314

Doc Code: PPH.PCT.662

Document Description: Petition to make special under PCT-Patent Prosec Hwy

PCT/58820PCT-EP (05-10)

Approved for use through 3/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office, U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND
THE USPTO**

Application No:	13/138,590	Filing date:	September 8, 2011
First Named Inventor:	Andreas KÜMMET		
Title of the invention:	Printing Unit of a Printing Press Having at Least One Printing Couple		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFSWEB_HELP.HTML](http://www.uspto.gov/efsweb_help.html).

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/053009

The international filing date of the corresponding PCT application(s) is/are: March 10, 2010

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/PEA, or I/PER) in the above-identified corresponding PCT application(s)

☐ is attached

☒ is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☐ is attached

☒ is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Page 1 of 2

This collection of information is required by 25 U.S.C. 112, 37 CFR 1.52, and 37 CFR 1.52(b). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 25 U.S.C. 112 and 37 CFR 1.51 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	13/138,590
First Named Inventor:	Andreas KÜMMET


- is attached

Has already been filed in the above-identified U.S. application on September 8, 2011

- ☐ Are attached.

Have already been filed in the above-identified U.S. application on September 8, 2011

[illegible]

Signature 	Date September 16, 2011
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26,600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

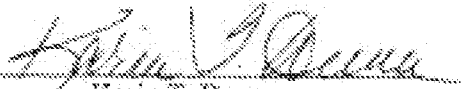
4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 3 September 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2010/053009, filed on 10 March 2010 and published on 16 September 2010 under No. WO 2010/103027 A1. The undersigned further states that the prosecution document associated with PCT/EP2010/053009 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.


Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 28 February, 2011

2. This report comprises a total of 5 pages including this cover sheet.
3. Enclosures are also included with the report; these include

A total of 6 pages (*sent to the applicant and to the International Authority*), which include

Sheets of the description, claims and/or drawings which have been amended and are the basis of this report, and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language**, this report is based on:

the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on:

the description, pages

2-17	as originally filed/furnished
1, 1a	received with the application for international preliminary examination

the claims, No.

1-21	received with the application for international preliminary examination
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the drawings, pages

1/3-3/3	as originally filed/furnished
---------	-------------------------------

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes: Claims 1-21
	No: Claims

Inventive Step (IS)	Yes: Claims 1-21
	No: Claims

Industrial Applicability (IA)	Yes: Claims 1-21
	No: Claims

2. Citations and Explanations (Rule 70.7):

See supplementary pages

**INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY
(SUPPLEMENTARY PAGES)**

Box V.

1. Claim 1 relates to a printing unit of a printing press having at least one printing couple, wherein the printing couple comprises at least one forme cylinder and one transfer cylinder that interacts with this forme cylinder and an inking unit having a plurality of distribution cylinders, wherein the forme cylinder and/or the transfer cylinder and all the distribution cylinders of this printing couple are rotationally driven by the same drive motor, wherein the distribution cylinders are driven by the drive motor by means of a transmission having a plurality of gear wheels, wherein each of the distribution cylinders has a spur gear, wherein the plurality of distribution cylinders of this printing couple are driven directly and jointly by an engagement of each respective spur gear with a central gear wheel that is rotatable about a rotational axis, wherein when the central gear wheel is in its operating position in which it is coupled into a flow of power from the transmission, it is in direct toothed engagement with a gear wheel that is disposed on a rotational axis of the forme cylinder.

A printing unit of this type is known from the closest prior art according to document DE 10 2006 035713 A1.

The subject matter of claim 1 differs from this printing unit in that all the distribution cylinders of this printing couple are driven directly and jointly by the central gear wheel, wherein the central gear wheel is embodied as an individual gear having only a single ring gear, wherein all of the gear wheels in the entire transmission are straight cut.

As a result of these distinguishing features, the printing couple of the printing unit is extremely compact in structure, and has a drive train that can be cost-effectively produced; the transmission of the drive train requires only a small number of gear wheels because a very short gear train is formed; and the lateral register of the forme cylinder can be adjusted easily.

The problem addressed by the application was therefore that of devising a printing unit of a printing press having at least one printing couple, which has a drive train that can be cost-effectively produced, wherein this drive train can be positioned in an installation space having a low overall height.

The solution to this problem is neither known nor obvious from the prior art as cited in the search report.

2. Dependent claims 2-21 relate to additional embodiments of the printing unit and also satisfy the requirements of the PCT.
3. New claim 1 has been formed from the features of original claims 1, 5, 7 and 11.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/138,640	Filing date:	September 14, 2011
First Named Inventor:	Bernd Kurt MASUCH		

Title of the invention: Printing presses having one or more printing units embodied as printing towers for double-sided multicolor printing, and devices ...

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFSWEB_HELP.HTML](http://www.uspto.gov/efsweb_help.html).

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/067408

The international filing date of the corresponding PCT application(s) is/are: December 17, 2009

1. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/PEA, or IPER) in the above-identified corresponding PCT application(s)

☐ is attached

☒ is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☐ is attached.

☒ is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

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Application No.:	13/138,640
First Named Inventor	Bernd Kurt MASUCH


☐ is attached

Has already been filed in the above-identified U.S. application on September 14, 2011

☐ Are attached

Have already been filed in the above-identified U.S. application on September 14, 2011

[illegible]

Signature		Date	2011-09-26
Name (Print/Type)	Douglas R. Hanscom	Registration Number	26,600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 8 September 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/067408, filed on 17 December 2009 and published on 23 September 2010 under No. WO 2010/105711 A2. The undersigned further states that the prosecution document associated with PCT/EP2009/067408 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.


Karin T. Dunn

Box III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious) or to be industrially applicable have not been examined in respect of

Claims nos. 28, 29, 31-33

because:

no international search report has been established for claims nos. 28, 29, 31-33.

Additional comments:

1. The present application lacks unity of invention (PCT Article 13(1)) (see Box IV). The application therefore contains multiple inventions or groups of inventions, wherein no additional search fee has been paid for the fourth invention or for claims 28, 29 and 31-33. Therefore, no international search report (PCT Chapter I) has been established for claims 28, 29 and 31-33. Consequently, claims 28, 29 and 31-33 have not been examined in respect of novelty, inventive step and industrial applicability during the international phase (PCT Chapter II).

Box IV. Lack of Unity of Invention

1. In response to the invitation to pay additional fees, the applicant has, within the applicable time limit:

Paid additional fees.

3. This authority considers that the requirement of unity of invention (Rules 13.1, 13.2 and 13.3) is not complied with for the following reasons:

Claims 1-3 and 28 are connected to one another by the following features:

A printing press comprising one or more printing units embodied as printing towers for double-sided multicolor printing, and a device for controlling the temperature of components of one or more printing units, wherein the printing unit comprises a plurality of printing couples, arranged vertically, one above the other, each having at least one component to be temperature controlled, wherein the component to be temperature controlled is in thermal interaction for its temperature control with a secondary circuit, wherein the secondary circuit has at least one pump and one infeed point, and wherein fluid from a primary circuit can be metered, via a valve, at an infeed point of the secondary circuit, into the secondary circuit for the temperature control thereof.

All the features common to claims 1-3 and 28 with the exception of "printing press comprising one or more printing units embodied as printing towers for double-sided, multicolor printing, wherein the printing unit [has] a plurality of printing couples

arranged vertically, one above the other" are known from WO 2004/054805-A1 (see the relevant passages of text cited in the search report). These features not disclosed in WO 2004/054805-A1 are generally known in the art, and are not essential to the invention, because the temperature control device according to the common features of claims 1-3 and 28 listed above can be described in reference to a single printing couple in any printing unit of the printing press.

In addition, WO 2006/072558-A1 discloses (the references between parentheses relate to said document) a corresponding printing press comprising a printing unit embodied as a printing tower for double-sided multicolor printing, wherein the printing unit has a plurality of printing couples arranged vertically, one above the other, and wherein various components of the respective printing couples are temperature controlled by means of a plurality of circuits (page 39, line 12 - page 40, line 18; figure 10).

Therefore, the features that are not included in WO 2004/054805-A1 are disclosed for the same purpose in a similar device according to WO 2006/072558-A1. A person skilled in the art would therefore easily combine the features disclosed in WO 2004/054805-A1 and WO 2006/072558-A1 with one another, without exercising inventive skill, in order thereby to arrive at all the common features of claims 1-3 and 28.

The common features of claims 1-3 and 28 therefore do not involve an inventive step (PCT Article 33(3)).

The remaining features of claims 1-3 and 28 are not connected by a single, common inventive idea, because:

The problem addressed by claim 1 is that of bringing the temperature of an anilox roller that is to be temperature controlled in an inking unit within a printing unit to the target level as quickly as possible during the start-up phase of the press (see description: page 10, lines 11-21),

The problem addressed by claim 2 is that of connecting the secondary circuit or a plurality of secondary circuits, for the temperature control thereof, to the higher-level primary circuit (see description page 11, line 28 - page 12, line 11),

The problem addressed by claim 3 is that of ensuring the necessary pressure for supplying the secondary circuit with the fluid from the primary circuit (see description: page 12, lines 13-17), and

The problem addressed by claim 28 is that of ensuring a space-saving press configuration while ensuring ready access to the press (see description: page 16, lines 5-17).

Therefore, claims 1-3 and 28 solve four different problems, wherein no technical relationship between them can be established which realizes a single, common inventive idea.

Therefore, the following separate inventions or groups of inventions are disclosed:

- i. A printing press having the corresponding, common features of claims 1-3 and 28 listed above, according to claims 1, 4-27, 30 and 34-38, to the extent that claims 4-27, 30

and 34-38 refer to claim 1, wherein a selectively actuatable electric heating appliance is provided in the secondary circuit.

ii. A printing press having the corresponding common features of claims 1-3 and 28 listed above, according to claims 2, 4-27, 30 and 34-38, to the extent that the claims 4-27, 30 and 34-38 refer to claim 2, wherein a secondary circuit or a plurality of secondary circuits is connected to the primary circuit via a vertically extending infeed line.

iii. A printing press having the corresponding common features of claims 1-3 and 28 listed above, according to claims 3-11, 13, 15-18, 20-22, 25-27, 30 and 34-38, to the extent that claims 4-11, 13, 15-18, 20-22, 25-27, 30 and 34-38 refer to claim 3, wherein the pump that pumps the fluid of the primary circuit and is assigned to the primary circuit is provided.

iv. A printing press having the corresponding common features of claims 1-3 and 28 listed above, according to claims 28-38, to the extent that claims 30 and 34-38 refer to claim 28, wherein a depression is provided in a base plane that supports the printing unit, in which depression at least one pump that pumps the fluid of the primary circuit is disposed, recessed in relation to the surrounding area.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

Those parts that relate to claims nos. 1-27, 30, 34-38.

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N) Yes: Claims 1-27, 30, 34-38
 No: Claims

Inventive Step (IS) Yes: Claims 1-27, 30, 34-38
 No: Claims

Industrial Applicability (IA) Yes: Claims 1-27, 30, 34-38
 No: Claims

2. Citations and Explanations (Rule 70.7):

See supplementary pages

**INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY
(SUPPLEMENTARY PAGES)**

Box V.

1 Reference is made to the following documents:

D1 WO 2004/054805 A1 (KOENIG & BAUER AG [DE]; MUELLER
KLAUS GEORG MATTHIAS [DE]) 1 July 2004 (2004-07-01), cited in
the application

D2 WO 2006/072558 A1 (KOENIG & BAUER AG [DE]; MUELLER
KLAUS GEORG MATTHIAS [DE]; MARX JUERGE) 13 July 2006
(2006-07-13), cited in the application

2 The present application appears to satisfy the requirements of the PCT in respect of
novelty and inventive step.

2.1 Independent Claim 1

D1 is considered to be the prior art closest to the subject matter of claim 1, and
discloses (the references between parentheses relate to said document): a device for
controlling the temperature of components of a printing couple of a printing press
having at least one component to be temperature controlled (page 4, lines 16-22),
wherein the component to be temperature controlled (01) is in thermal interaction for
the purpose of its temperature control with fluid of a secondary circuit (03) via an
intake (12), wherein fluid from a primary circuit (04) can be metered, via an infeed
point (16), into the secondary circuit (03) for the purpose of controlling the
temperature thereof, wherein a controllable (page 6, lines 16-17) heating appliance
can be disposed in the secondary circuit (03) (page 5, lines 7-9), and wherein a valve
(07) and a pump (11) for pumping the temperature control fluid are assigned to the
secondary circuit (03).

The subject matter of claim 1 differs from the device known from D1 in that the
printing press has a plurality of printing units embodied as printing towers for double-
sided multicolor printing, wherein the printing unit [has] a plurality of printing
couples arranged vertically, one above the other, wherein at least two components to
be temperature controlled, which are assigned to different printing couples, are in
thermal interaction with two different secondary circuits for the purpose of
controlling the temperature of said components, and in that at least the valves and/or
pumps and/or heating appliances assigned to the two different secondary circuits are
disposed on an end face of the press at different heights from each other, and in that
additionally, a selectively actuatable electric heating appliance is disposed in the
secondary circuit, and is therefore novel (PCT Article 33(2)).

The problem that is addressed by the present invention can be considered that of
controlling the temperature of a printing or inking unit cylinder.

D1 teaches a person skilled in the art to control the temperature of a relevant cylinder by connecting two temperature control circuits via an infeed point, wherein one of the circuits is in direct contact with the cylinder, or alternatively, via a heating or cooling unit, in contrast to claim 1, wherein a selectively actuable heating appliance is disposed in the second circuit in addition to the infeed points of both temperature control circuits. A configuration of this type also is not found in D2-D3.

The solution to the above-stated problem proposed in claim 1 of the present application therefore involves an inventive step (PCT Article 33(3)).

2.2 Independent Claim 2

D2 is considered to be the prior art closest to the subject matter of claim 2, and discloses (the references between parentheses relate to said document): a printing press comprising one or more printing units (73) embodied as printing towers for double-sided multicolor printing, and a device for controlling the temperature of components (43, 54, M) of one or more printing units (73), wherein the printing unit (73) has a plurality of printing couples (41) arranged vertically, one above the other, each having at least one component (43, 54, M) to be temperature controlled and having printing couple cylinders (43, 47, 54) that are driven on a drive side by at least one drive motor (M) (figure 10), wherein at least two components (43, 54, M) to be temperature controlled, which are assigned to different printing couples (41), are in thermal interaction with two different secondary circuits (KFZ, KRW, KAN) for controlling the temperature of said components, wherein each of the secondary circuits (KFZ, KRW, KAN) has at least one pump (81) and one infeed point (82), and wherein fluid from a primary circuit (K1, K2, K3) can be metered, via a valve (79) at the infeed site (82) of the secondary circuit (KFZ, KRW, KAN), into the respective secondary circuit (KFZ, KRW, KAN) for the temperature control thereof.

The subject matter of claim 2 differs from the device known from D2 in that at least the valves and/or pumps and/or infeed points assigned to the two different secondary circuits are disposed on an end-face machine side at different heights from each other, and in that the two secondary circuits are connected via the valves to the same, substantially vertically extending infeed line of the primary circuit, and is therefore novel (PCT Article 33(2)).

The problem that is addressed can therefore be considered that of achieving a short reaction time in the temperature control of the inking unit or printing unit cylinders.

This is solved according to claim 2 by the short routes of the temperature control fluid and consequently the temperature control occurring near the component, which ensures that sufficient temperature control fluid at the desired temperature is constantly provided in the immediate vicinity of the component to be temperature controlled.

The features of claim 2 are neither known nor obvious from the available prior art. The subject matter of claim 2 therefore involves an inventive step (PCT Article 33(3)).

2.3 Independent Claim 3

D2 is considered to be the prior art closest to the subject matter of claim 3, and discloses (the references between parentheses relate to said document): a printing press comprising a plurality of printing units (73) embodied as printing towers for double-sided multicolor printing, and a device for controlling the temperature of components (43, 54) of one or more printing units (73), wherein the printing unit (73) has a plurality of printing couples (41) arranged vertically, one above the other, each having at least one component (43, 54) to be temperature controlled and having printing couple cylinders (43, 47, 54), driven on a drive side by at least one drive motor (M) (figure 10), wherein the component (43, 54) to be temperature controlled is in thermal interaction for its temperature control with a secondary circuit (KFZ, KRW), wherein the secondary circuit (KFZ, KRW) has at least one pump (81) and one infeed point (82), and wherein fluid from a primary circuit (K2, K3) can be metered, via a valve (79) at an infeed point (82) of the secondary circuit (KFZ, KRW), into the secondary circuit (KFZ, KRW) for the temperature control thereof.

The subject matter of claim 3 differs from the device known from D2 in that each printing unit is assigned at least one primary circuit branch, all of which are connected to a common, higher-level primary circuit that feeds into the primary circuit branches of the printing units, and in that each of the primary circuit branches has at least one pump that pumps the fluid of the primary circuit and is assigned to the primary circuit branch, and is therefore novel (PCT Article 33(2)).

The problem that is addressed can be considered that of keeping the temperature of the temperature control fluid as stable as possible.

This problem is solved by the three-level or three-stage configuration of the temperature control system comprising secondary circuits, primary circuit branches assigned to the printing units, and the higher-level primary supply circuit.

None of the documents cited in the search report suggests these features. Therefore, the subject matter of claim 3 involves an inventive step (PCT Article 33(3)).

2.4 Dependent Claims 4-27, 30 and 34-38

Claims 4-27, 30 and 34-38 are dependent on claims 1-3 and therefore also satisfy the requirements of the PCT in respect of novelty and inventive step.

- 3 The subject matter of claims 1-27, 30 and 34-38, and therefore the subject matter of the present application, is industrially applicable (PCT Article 33(4)) and therefore appears to satisfy the requirements of PCT Article 33(1) with respect to industrial applicability.

Box VII Certain defects in the international application

- 1 Expressions such as **more particularly, especially or preferably** have no limiting effect on the scope of protection of claims 6, 9-11, 14, 19 and 20, i.e. the feature following any such expression is regarded as entirely optional.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND
THE USPTO**

Application No:	13/138,723	Filing date:	2011-09-22
First Named Inventor:	DECKER et al		

Title of the
Invention: **METHOD FOR OPERATING A LONGITUDINAL FOLDING APPARATUS**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT
[HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: **PCT/EP2009/067820**

The international filing date of the corresponding
PCT application(s) is/are: **December 23, 2009**

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s)**

☐

Is attached

☒

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the
above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English
language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE EPO AND THE USPTO**

(continued)

Application No.: 13/138,723

First Named Inventor: DECKER et al

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒Has already been filed in the above-identified U.S. application on Sept. 22, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒Have already been filed in the above-identified U.S. application on Sept. 22, 2011**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
39-41	1-3	direct correspondence
42	4	U.S. claim amended to remove multiple dependency
43,44	5,6	direct correspondence
45	7	U.S.I claim amended to remove multiple dependency
46, 47	8,9	direct correspondence
48	10	U.S. claim amended to remove multiple dependency
49	11	direct correspondence
50	12	U.S. claim amended to remove multiple dependency
51	13	direct correspondence
52	14	U.S. claim amended to remove multiple dependency
53-59	15-21	direct correspondence
60	22	U.S. claim amended to remove multiple dependency
61	23	direct correspondence
62	24	U.S. claim amended to remove multiple dependency
63	25	direct correspondence
64	26	U.S. claim amended to remove multiple dependency
65, 66	27, 28	direct correspondence
67	29	U.S. claim amended to remove multiple dependency
68	30	direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Douglas R. Hanscom/	Date Oct. 4, 2011
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26,600

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

Application No.:	13/138,723
------------------	------------

First Named Inventor: DECKER et al

- ☐ Is attached

Has already been filed in the above-identified U.S. application on Sept. 22, 2011

- ☐ Are attached.

Have already been filed in the above-identified U.S. application on Sept. 22, 2011

[illegible]

Signature <u>/Douglas R. Hanscom/</u>	Date <u>Oct. 4, 2011</u>
Name (Print/Typed) <u>Douglas R. Hanscom</u>	Registration Number <u>26,600</u>

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032

TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 20 September 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/067820, filed on 23 December 2009 and published on 30 September 2010 under No. WO 2010/108559 A1. The undersigned further states that the prosecution document associated with PCT/EP2009/067820 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.


Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 22 July, 2011

2. This report comprises a total of 6 pages including this cover sheet.

3. Enclosures are also included with the report; these include

A total of 23 pages (*sent to the applicant and to the International Authority*), which include

Sheets of the description, claims and/or drawings which have been amended and are the basis of this report, and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language**, this report is based on:

the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on:

the description, pages

1-3, 5-45
4, 4a, 4b

as originally filed/furnished
received with the letter dated 19 April 2010

the claims, Nos.

1-38

received with the letter dated 19 April 2010

the drawings, pages

1/15-15/15

as originally filed/furnished

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes: Claims 1-38
	No: Claims

Inventive Step (IS)	Yes: Claims 1-38
	No: Claims

Industrial Applicability (IA)	Yes: Claims 1-38
	No: Claims

2. Citations and Explanations (Rule 70.7):

See supplementary pages

**INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY
(SUPPLEMENTARY PAGES)**

Box V.

Reference is made to the following document:

D1 EP 2 017 210 A2 (KOENIG & BAUER AG [DE]) 21 January 2009 (2009-01-21), cited in the application

1. D1 is considered to be the prior art closest to the subject matter of claim 1, and discloses (the references between parentheses relate to said document):

A method for operating a longitudinal folding apparatus (01) comprising a folding blade (06) and a folding table (03) with a folding gap (04) and with a group of braking elements (brushes) on each of the two sides of the folding gap (04), wherein the movement of a folding blade (06) is driven in a synchronized manner, with respect to the cyclic motion frequency thereof, relative to one or more units of a web-processing machine situated upstream and a flow of incoming products, wherein the entry of a leading edge of incoming products is detected at a first measuring point (31) in the transport path of the folding table (03), and wherein a relative phase position between the movement of the folding blade (06) and the phase position of the units upstream (see paragraph 15) and the phase position of the flow of products is deliberately modified by means of a control system (26) for the purpose of adjusting a point of contact of the folding blade (06) with the product to be folded.

- 1.1 The subject matter of claim 1 therefore differs from the known method in that:
 1. The relative phase position is modified using a control algorithm in such a way that, at least in one operating mode or phase of a production operation, the leading edges of the products to be folded, which are conveyed on the folding table, are held back at a distance from the measuring point located on the transport path by varying the relative phase position in such a way that, as a result of a detection of the leading edge of one or of a certain number of successive products at this measuring point, the relative phase position is varied to an earlier time for the first contact of product and folding blade, and the contact point is varied to a point that lies closer to the intake side of the incoming products, and in that at a second measuring point, located upstream of the first measuring point in the direction of transport, the entry of a leading edge of incoming products is also detected, and the relative phase position is varied using the control algorithm in such a way that, at least in one operating mode or phase of a production operation, the leading

edges of the products to be folded, which are conveyed on the folding table, are held in a capture area, defined by the two measuring points that are spaced from one another in the direction of transport, by varying the relative phase position, and, with single or multiple deliveries from the capture area, the position of the edge in the capture area is moved back for subsequent products, and in that a skewed position of the product to be longitudinally folded is corrected by means of a friction-based deceleration implemented by braking elements disposed on both sides of the folding gap, and adjustable independently of one another with respect to their distance from the folding table or from the upper side of the folding table, and/or from the product.

- 1.2 Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).
2. D1 is considered to be the prior art closest to the subject matter of claim 33, and discloses (the references between parentheses relate to said document):

A longitudinal folding apparatus comprising a folding blade (24) and a folding table (10) having a folding gap, to which products to be folded can be fed, from an intake side, along a first direction of transport parallel to the plane of the folding table, wherein a first measuring point (32; see column 4, lines 39-41) immediately upstream of a stop surface (18) that, in the activated state thereof, restricts the transport path and a second measuring point that lies closer to the intake side (32; see column 4, lines 39-41) are provided, along with a control device (38) assigned to the folding blade drive, and wherein, on both sides of the folding gap (04) a plurality of braking elements (brushes) are provided, wherein the folding blade (24) has a folding blade drive (28; see column 4, lines 14-23; column 6, lines 13-19) for the movement thereof, which is mechanically independent of a transport device situated upstream of the folding gap (04) and provided for conveying the products to, into, or within the longitudinal folding apparatus.

- 2.1 The subject matter of claim 33 therefore differs from the known longitudinal folding apparatus in that:

The control system is embodied with an algorithm so as to modify the relative phase position between folding blade drive and product flow, on the basis of signals that detect the presence of a product leading edge at the first and second measuring points, such that the product leading edge of a subsequent product can still be detected only at the second measuring point, and in that at least two braking elements or groups of braking elements, disposed one on each of the two sides of the folding gap, can be adjusted independently of one another in terms of

their distance from the folding table or from the upper side of the folding table and/or from the product.

- 2.2 Therefore, the subject matter of claim 33 is novel (PCT Article 33(2)).
3. The problem addressed by the present invention can be considered that of devising an improved method and an improved longitudinal folding apparatus for longitudinally folding a product on a folding table.
4. The solution to this problem proposed in claims 1 and 33 of the present application is neither known nor obvious from the available prior art, and therefore involves an inventive step (PCT Article 33(3)).
5. Claims 2-32 are dependent on claim 1, and claims 34-38 are dependent on claim 33, and therefore also satisfy the requirements of the PCT in respect of novelty and inventive step.

Translation of the pertinent portions of a letter from Koenig & Bauer AG to the European Patent Office, dated 19 April, 2010:

In response to the Opinion dated 29 March 2010, the following changes according to PCT Article 34 are to be filed:

1. The following are to be filed:

1.1 Claims

(Replacement pages 46 to 56, version dated 2010/04/19)

1.1.1 New claim 1

New claim 1 has been formed from original claims 1, 2 and 21 of the original description.

1.1.2 Original claims 1, 2 and 21, 25 and 28

Original claims 1, 2 and 21, and 25 and 28 have been deleted.

1.1.3 New claim 2

New claim 2 has been formed from features found on page 20, paragraph 1 of the original description.

1.1.4 Original claims 4 and 8 to 20

Original claims 4 and 8 to 20 have not been changed.

1.1.5 New claims 3, 5, 6 and 7

New claims 3, 5, 6 and 7 are unchanged with the exception of the dependency references of original claims 3, 5 and 6.

1.1.6 New claim 21

New claim 21 has been formed from features found on page 8, paragraph 1 of the original description.

1.1.7 New claims 22 and 23

New claims 22 and 23 have been worded as dependent claims and correspond in terms of content to original claims 22 and 23.

1.1.8 Original claim 24

Original claim 24 has not been changed.

1.1.9 New claim 25

New claim 25 has been formed from features found on page 26, paragraph 3, in conjunction with figure 3.

1.1.10 New claim 28

New claim 28 has been formed from features found on page 19, paragraph 2, of the original description.

1.1.11 Original claims 26, 27, 29 and 31

Original claims 26, 27, 29 and 31 have not been changed.

1.1.12 New claims 30 and 32

New claims 30 and 32 are unchanged with the exception of the change in the dependency references of original claims 30 and 32.

1.1.13 New claim 33

New claim 33 has been formed from features of original claim 33 and from features found on page 25, paragraph 4 of the original description.

1.1.14 Original claims 34 to 38

Original claims 34 to 38 have not been changed.

1.2 Introduction to the description

(Replacement/supplementary pages 4, 4a and 4b, version dated 2010/04/19)

EP 0 1261 988 A1, EP 0 462 421 A1 and DE 195 04 769 A1 have been cited.

2. Regarding the prior art documents

2.1 Regarding D1 (EP 2 017 210 A2)

D1, which has already been cited, discloses a method in which a speed is determined by means of two sensors spaced in the direction of transport, and this speed is regulated by a phase adjustment of the blade, so that the product reaches the stop safely on the basis of the movement thereof (column 3, lines 46-52). In addition, the device has braking brushes near the stop. According to column 13, line 35, the product strikes a stationary stop (after braking). The product is not intended to be held back from a measuring point (31). Paragraphs 26, 30 and 31 indicated by the searching authority do not make this clear. If the control was intended to hold the product back from the second measuring point 31 cited by the searching authority, it would not be necessary to determine the second speed at all.

2.2 Regarding D2 (EP 0 639 523 A1)

D2 has already been cited by the applicant as DE 694 00 629 T2, and therefore introduced into the process. Therefore, in what follows, reference will also be made to this T-document (D2) (EP document as D2').

In the actually described embodiment of D2/D2', one sensor unit is provided on each of the two sides of the gap, with each sensor unit consisting of a plurality of individual sensors (cells) in the direction of transport, and extending from the stop up to the intake side (D2, page 9, paragraphs 1 and 2; D2' column 4, paragraphs 5 and 6). The two sensor units can also determine relative positions between leading edge and stop (D2, page 2, last paragraph; D2', column 1, paragraph 10). The signals of the cells of each sensor unit are processed in a control system, and the output signal is conducted to a regulating module, in order to activate servo units which adjust the braking pressure of brushes (D2, page 9, paragraph 4; D2', column 4, paragraph 8). The cells of each unit react to the position of the leading edge of each printed product, while this is being decelerated, wherein the number of cells that are not covered by the product is a measurement of the position of the leading edge relative to the stop. The closest approach of each leading edge to the stop, wherein said edges can also come into contact with the stop, is determined in synchronization with the time control of the actuation of the chopper, usually when the blade is located spaced a few degrees from its lower dead-center point (D2, page 10, paragraph 2; D2', column 5, paragraph 2). The printed product is to be brought nearly or entirely to a standstill

when it reaches the folding region (D2, page 7, paragraph 2; D2', column 3, last paragraph). The way in which this is to be achieved is clear from paragraph 3 on page 10 to paragraph 2 of page 11 of D2 (D2', column 5, paragraphs 3 to 5): For this purpose, the rate of the cells that are covered in succession is analyzed with the help of a time control system. If all cells are covered nearly at the same moment, the product will strike the stop too fast and must be decelerated with greater force. If the product does not reach any of the cells, the braking force must again be corrected (assumedly slackened). This is also covered by paragraph 2 on page 4 (D2', column 2, paragraph 4), where a readjustment in the feedback process to a determination of the rate or speed is carried out.

In none of these cases is the leading edge of the product held back from a measuring point by means of a control algorithm. In the first case, the goal is to keep it from striking the stop too fast, and in the second case, it is to reach at least the first cell. This control in D2/D2' is based on the coverage rate, and not on holding back from a measuring point.

The above-described "relative positions" between leading edge and stop can be used to determine a skewed position (page 3, paragraph 2), however, an unduly hard stop is prevented in D2/D2' on the basis of the rate/speed in the above-described manner.

In addition, although it is generally stated on page 8, paragraph 2 and page 12, paragraph 3 (D2', column 4, paragraph 2 and column 6, paragraph 2) that deceleration can also be implemented by other devices, for example, also by the stop element, it does not specify in detail how this is supposed to occur.

The feature of a folding blade drive that is independent of the transport device is not disclosed in the passages of text indicated by the searching authority. Moreover, the indicated reference sign 28 stands for the servo drive for the brushes. The way in which this servo drive is to be assigned to the folding blade is unclear, and cannot be prejudicial to the novelty of the feature.

Even if the method of D2/D2' specified in reference to the brushes were to be applied to braking with the chopper blade, the leading edge of the product would still not be held back from a measuring point by a control algorithm. The goal of D1 is merely to prevent the product from striking the stop with too much force. As a result, the goal of D2/D2' is for the edge to come to rest between first cell and stop, wherein it can even contact the latter. It is not to be prevented from striking it. Even if, in operating situations, the product were to fail to reach the stop, holding it back is not specified as a rule via the control algorithm, and would instead be unintentional. Thirdly, it is neither clear from nor suggested by D2/D2' how braking and skewed position

correction are to be accomplished if – as is generally indicated therein – braking is to be carried out with the chopper blade rather than with the brushes. Although at first glance a similarity to the claimed subject matter could be seen, the subject matter involves an entirely different concept, namely holding back from the stop by controlling the blade phase, with a simultaneous additional correction of a possible skewed position by means of braking elements.

2.3 Regarding D3 (EP 0 161 988 A1)

D3 or the parallel US 4,573,671 proposes a longitudinal folding apparatus, wherein only one sensor is provided, directly at the stop. The products entering on the folding table are controlled by adjusting the phase between product and folding blade contact, such that the product reaches the stop in a straight alignment. This is achieved by means of a relay circuit. If the products do not reach the sensor, the phase of the blade is adjusted to a later time, until the products are visible at the sensor. If the machine speed is increased by a control command input by the press operator, pressing the switch will also actuate a relay at the same time, so as to shift the point of contact of the blade to an earlier time. However, afterward the above-described automatic system re-engages, which again shifts the time point back until the sensor again “sees” the product. This procedure is intended to improve a prior art, which operates in a “floating” manner with two sensors, wherein one sensor is used for increasing the forward movement and the other is used for decreasing the forward movement.

D3 does not describe a general longitudinal folding apparatus having two braking elements on the two sides, or a correction of skewed position by means of braking elements of this type. It criticizes the arrangement of two sensors as imprecise, and proposes arranging one sensor at the stop toward which the product is to be controlled. D3 therefore proposes a concept contradictory to claims 1 and 33.

2.4 Regarding D4 (EP 0 462 421 A1)

From EP 0 462 421 A1, a method and a device for controlling the movement of the longitudinal folding blade are known, wherein at the stop, an acceleration sensor is disposed, which senses the accelerations of the incoming product. If the measured acceleration deviates from a target value, the folding time is adjusted. If the acceleration value detected by the sensor is too great, the folding time is shifted forward; if it is too small, it is shifted backward.

This “acceleration” measured at the acceleration sensor does not relate to machine acceleration.

With respect to D4, it is requested that US 4,573,671, the content of which is identical, be considered in the remainder of the process.

2.5 Regarding D5 (DE 195 04 769 A1)

DE 195 04 769 A1 relates to a longitudinal folding apparatus, wherein first sensors are provided at the front side of the stop, which sensors measure the distance of the leading edge as the product to be folded is conveyed thereto, and a control circuit analyzes, via comparison, whether the two halves are approaching at the same speed. If one side approaches the stop more quickly, the braking assembly assigned to this side will be brought closer to the folding table, in order to brake this side with greater force. Additional sensors are provided for measuring undulations in the folded copy. When embodied as optical sensors, these sensors that measure undulation can detect the distance from the upper side of the product, or, as strain gauges, they can measure the force exerted on them by the deformation of the upper side. If a maximum value is exceeded, the position of the braking devices is adjusted. In a further embodiment, additional sensors can be provided at the stop, by means of which a deformation of the leading edge can be detectable. In one embodiment, the stops can also be embodied as circular arches, or as rotatable about fulcra. The measured deformations are also to be suitable as control or regulating variables, for controlling or regulating the movement of the folding blade.

3. Regarding novelty and inventive step

None of the prior art documents discloses at least the feature in which a product edge is held back from a measuring point by means of an appropriate algorithm. The subjects of claims 1 and 33 are therefore novel.

On the basis of D1, for example, in which the speed is determined by two measuring points for the purpose of ensuring a reliable, but not unduly forceful, arrival at the stop, D2 describes nothing different to a person skilled in the art. In this case as well, an unduly forceful arrival is prevented by a speed determination (rate). Therefore, the two documents cannot prompt a person skilled in the art to hold the product back from a measuring point by means of an algorithm, in a concept different therefrom. Conversely, on the basis of D2, D1 also would not prompt changing the concept in this manner. Although D2 discloses a skewed position correction by means of brushes, the product is not held back from one of the cells by an algorithm. If a person skilled in the art were to consider D3 in addition to D1 or D2, D3 would teach him to use an “algorithm” (in that case an electronic circuit) to always position the product such that the sensor is covered. By way of exception, this can be interrupted by a manual intervention, by pressing an “acceleration command”. However, this is not accomplished by means of an algorithm.

Therefore, D3 teaches a person skilled in the art to always drive the product toward the stop – which conforms to the teaching of D1 and D2. Nothing from D4 or D5 could clearly prompt a person skilled in the art to always hold the product back from the sensor. As this relates to D5, said document discloses to a person skilled in the art the solution already known from D2 in any case, specifically to detect a skewed position on the basis of a “distance measurement” and then to adjust braking elements on one side.

Therefore, none of the documents, alone or in combination with other documents, is capable of suggesting the subject matter claimed in claim 1 or 33.

Koenig & Bauer Aktiengesellschaft

[Signatures]

Enclosures

Claims, replacement pages 46 to 56

Description, replacement/supplementary pages 4, 4a and 4b,

Each in triplicate, in the version dated 2010/04/19

or blade folding apparatuses. For this purpose, two sensors are provided in the flow of folded products, spaced transversely to the flow, and detect the distances between fold marks applied to the product and the fold edge, wherein an analysis unit uses this information to calculate and/or display a mean value deviation from the target value for longitudinal and angular deviations in the fold, and/or to utilize said deviation for the purpose of controlling the machine. This enables a selective correction of adjusted machine values.

From DE 199 50 603 B4, an infeed of sheets that are to be imprinted into a printing couple of a sheet-fed printing press is disclosed, wherein, by means of two ultrasonic sensors spaced transversely to the flow, information about the position of an individual sheet to be fed into the printing couple is provided before said sheet is fed by a gripper to the printing couple. In this manner, a skewed position or an undesirable double layer can be detected, which is coupled to a control and regulating device that is connected to the gripper.

EP 0 161 988 A1 proposes a longitudinal folding apparatus, in which only one sensor is provided, directly at the stop. The products entering on the folding table are controlled by adjusting the phase between product and folding blade contact, such that the product reaches the stop in a straight alignment. This is achieved by means of a relay circuit. If the products do not reach the sensor, the phase of the blade is adjusted to a later time, until the products are visible at the sensor. If the machine speed is increased by a control command input by the press operator, pressing the switch will also actuate a relay at the same time, so as to shift the point of contact of the blade to an earlier time. However, afterward the above-described automatic system re-engages, which again shifts the time point back until the sensor again "sees" the product. This procedure is intended to improve a prior art, which operates in a

“floating” manner with two sensors, wherein one sensor is used for increasing the forward movement and the other is used for decreasing the forward movement.

From EP 0 462 421 A1, a method and a device for controlling the movement of the longitudinal folding blade are known, wherein at the stop, an acceleration sensor is disposed, which senses the accelerations of the incoming product. If the measured acceleration deviates from a target value, the folding time is adjusted. If the acceleration value detected by the sensor is too great, the folding time is shifted forward, and if it is too small, it is shifted backward.

DE 195 04 769 A1 relates to a longitudinal folding apparatus, wherein first sensors are provided at the front side of the stop, which sensors measure the distance of the leading edge as the product to be folded is conveyed thereto, and a control circuit analyzes, via comparison, whether the two halves are approaching at the same speed. If one side approaches the stop more quickly, the braking assembly assigned to this side will be brought closer to the folding table, in order to brake this side with greater force. Additional sensors are provided for measuring undulations in the folded copy. When embodied as optical sensors, these sensors that measure undulation can detect the distance from the upper side of the product, or, as strain gauges, they can measure the force exerted on them by the deformation of the upper side. If a maximum value is exceeded, the position of the braking devices is adjusted. In a further embodiment, additional sensors can be provided at the stop, by means of which a deformation of the leading edge can be detectable. In one embodiment, the stops can also be embodied as circular arches, or as rotatable about fulcra. The measured deformations are also to be suitable as control or regulating variables, for controlling and/or regulating the movement of the folding blade.

The problem addressed by the invention is that of devising an improved method for

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longitudinally folding a product on a folding table of a longitudinal folding apparatus, and a longitudinal folding apparatus suitable for this purpose.

The problem is solved according to the invention by the features of claims 1 and 33, respectively.

The advantages that can be achieved with the invention consist especially in that a longitudinal folding apparatus, in web-fed rotary printing presses also referred to as the "third fold" or the "second longitudinal fold", is provided which allows higher outputs and less stringent requirements for manual interventions while still producing good fold quality.

For this purpose, a lever folding blade system is used, with sensor-controlled folding time regulation (e.g., folding time control of the folding blade), for example, and/or a

Claims

1. A method for operating a longitudinal folding apparatus (01) comprising a folding blade (04), a folding table (02) having a folding gap (06), and, on each of the two sides of the folding gap (06), at least one or a group of braking elements (31; 32; 33; 34), wherein the movement of a folding blade (04) is driven in a synchronized manner, with respect to its cyclic motion frequency, in relation to one or more units of a web-processing machine situated upstream thereof and/or a flow of incoming products (03), wherein the entry of a leading edge of incoming products (03) is detected at a first measuring point (S1) in the transport path of the folding table (02), and wherein a relative phase position $\Delta\Phi$ between the movement of the folding blade (04) and the phase position of the unit or units upstream and/or the phase position of the flow of products is deliberately modified by a control and/or regulating system (10) for the purpose of adjusting a point of contact of the folding blade (04) with the product (03) to be folded, characterized in that the relative phase position $\Delta\Phi$ is modified by a control algorithm such that, at least in one operating mode or phase of production operation, the leading edges of the products (03) to be folded, which are conveyed on the folding table (02), are held back at a distance from the measuring point (S1) located on the transport path by varying the relative phase position $\Delta\Phi$ in such a way that, as a result of a detection of the leading edge of one or of a certain number of successive products (03) at this measuring point (S1), the relative phase position $\Delta\Phi$ is varied to an earlier time for the first contact of product (03) and folding blade (04) and/or the contact point is varied to a point that lies closer to an intake side (18) of the incoming products (03), in that, at a second measuring point (S2), located upstream of the first measuring point (S1) in the direction of transport (T1), the entry of a leading edge of incoming products (03) is also detected, and the relative phase position $\Delta\Phi$ is varied using a control algorithm, in such a way that, at least in one

operating mode or phase of a production operation, the leading edges of the products (03) to be folded, which are conveyed on the folding table (02), are held in a capture area, defined by the two measuring points (S1; S2) that are spaced from one another in the direction of transport (T1), by varying the relative phase position $\Delta\Phi$, and with single or multiple deliveries from the capture area, the position of the edge in this capture area is moved back for subsequent products (03), and in that a skewed position of the product (03) to be longitudinally folded is corrected by means of a friction-based deceleration implemented by braking elements (31; 32; 33; 34) disposed on both sides of the folding gap (06) and adjustable independently of one another in terms of their distance from the folding table (02) or from the upper side of the folding table and/or from the product (03).

2. The method according to claim 1, characterized in that for this operating mode or phase of a production operation, the ruling principle applies that the product 03 to be folded is to be detected not at the measuring site (S1) of the first sensor S1, but at the measuring site (S2), before or at least during folding.
3. The method according to claim 1, characterized in that, as a result of the absence of a detection of leading edges at a second measuring point (S2) over a certain period of time, the relative phase position $\Delta\Phi$ is varied to a later time for first contact and/or the contact point is moved to a point that lies farther away from an intake side (18) for the incoming products (03).
4. The method according to one or more of claims 1 to 3, characterized in that detection is carried out by sensors (S1; S2).
5. The method according to claim 1, characterized in that in the first operating mode, control is carried out such that, as a result of a detection of a leading edge of a product

or a number of successive products (03), variation to an earlier time or closer to the intake side (18) is carried out, so that the leading edge of a subsequently incoming product (03) does not come into contact with a stop (09; 46) that restricts the transport path.

6. The method according to claim 1, characterized in that in a second operating mode, control is carried out after a constant production speed is reached, such that the relative phase position $\Delta\Phi$ is varied from an earlier time to a later time, until the leading edge of an incoming product (03) is again detected for the first time at the measuring point (S1), and this phase position $\Delta\Phi$ is then maintained, so that the leading edges of incoming products (03) do not come into contact with a stop (09; 46) that restricts the transport path, or at least strike the stop (09; 46) without significant speed.
7. The method according to claim 1 or 3, characterized in that the relative phase position $\Delta\Phi$ is modified by a relative adjustment of the phase in the drive that effects folding blade movement, particularly by a relative rotation of a drive motor (17) that drives the folding blade, and/or a control cam that controls the folding blade movement.
8. The method according to claim 1, characterized in that a target phase position $\Delta\Phi_S$ currently required for the relative phase position $\Delta\Phi$ is achieved and/or maintained by means of a control loop that compares an actual relative position $\Delta\Phi_I$ with a target relative position ($\Delta\Phi_R$).
9. The method according to claim 8, characterized in that, in the event of a deviation of the actual relative position $\Delta\Phi_I$, particularly of a product phase position Φ_P and an angular position (Φ_A) of the folding blade drive from the current target relative position ($\Delta\Phi_R$), a

correction is made by an optionally successive, relative rotation of the folding blade drive by an angular correction (Δ).

10. The method according to claim 1, 7, 8 or 9, characterized in that the adjustment of the relative phase position $\Delta\Phi$ is accomplished by the optionally successive modification of a relative target phase position ($\Delta\Phi_R$) by a correction value $k\Delta$; $k\Delta_i$; $k\Phi$; $k\Phi_i$ or by the optionally successive application of a correction value $k\Delta$; $k\Delta_i$; $k\Phi$; $k\Phi_i$ to a relative target phase position ($\Delta\Phi_R$).
11. The method according to claim 1, characterized in that the movement of the folding blade is synchronized with the at least one unit upstream on the basis of data relevant to speed and/or angle from an electronic guide axis that connects the drive of the folding blade (04) to the drive of the at least one unit.
12. The method according to claims 7 and 11, characterized in that the relative phase position $\Delta\Phi$ is adjusted by an optionally successive application of a correction value $k\Delta$; $k\Delta_i$; $k\Phi$; $k\Phi_i$ to a target angular position resulting from the guide axis variable, or by an optionally successive modification of the target angular position resulting from the guide axis variable by a correction value $k\Delta$; $k\Delta_i$; $k\Phi$; $k\Phi_i$.
13. The method according to claim 12, characterized in that the relative phase position $\Delta\Phi$ is adjusted by applying another offset value, or by modifying an existing offset value (Δ).
14. The method according to claim 10 or 12, characterized in that the relative phase position $\Delta\Phi$ is adjusted until the condition established by the control algorithm is satisfied.

15. The method according to claim 1, characterized in that a product phase position Φ_P of the products (03) conveyed to, into, or within the longitudinal folding apparatus (01) and a phase position (Φ_A) of the folding blade drive are used as the relative phase position $\Delta\Phi$.
16. The method according to claim 15, characterized in that the product phase position Φ_P is determined as the passage of a product, particularly of a leading or trailing edge, at a point in the transport path upstream of the folding process.
17. The method according to claim 15, characterized in that the product phase position Φ_P is formed as the theoretical product phase position from a phase position of one or more of the units upstream and an offset value, for example, determined empirically and preferably stored.
18. The method according to claim 1, characterized in that the first measuring point (S1) is detected at or immediately upstream of a stop surface that, in the activated state thereof, restricts the transport path (T1).
19. The method according to claim 1, characterized in that the first measuring point (S1) lies at or immediately upstream of a stop surface that, in the activated state thereof, restricts the transport path (T1).
20. The method according to claim 1, characterized in that a correction of a skewed position of a product (03) to be folded on the folding table (02) of the longitudinal folding apparatus (01), and moving along the direction of transport (T1) on the folding table (02), at least prior to folding, is carried out, wherein
- in each case, a time at which a leading or trailing product edge passes by is detected at two measuring sites (S3; S4) that are spaced from one another transversely to the

direction of transport (T1) of the product (03) to be folded,

- using the passage times detected at the two measuring sites (S3; S4), a deviation $\Delta t1$ between a time offset detected with the passage of the observed product edge at the two measuring sites (S3; S4) and a target time offset is determined and analyzed on the basis of control and/or data processing methods,
- and as a result of a deviation $\Delta t1$ that goes beyond at least one tolerance range, a measure that counteracts the deviation $\Delta t1$ and influences a particularly asymmetrical deceleration or acceleration of the products (03) moving on the folding table (02) is initiated by means of a control process (38).

21. The method according to claim 1, characterized in that the folding blade (04) is driven by a drive motor (17), mechanically independently of conveyor devices situated upstream of the folding process.

22. The method according to one or more of claims 1 to 19, characterized in that during an acceleration phase of a web-processing machine situated upstream, a location of a contact point on the folding table (02) or a time of first contact of a product (03) to be folded and the folding blade (04), referred to the product phase position, is adjusted on the basis of a machine speed and/or a machine acceleration.

23. The method according to claim 1, characterized in that during an acceleration phase of a web-processing machine situated upstream, a location of a contact point or the time of first contact of a product (03) to be folded and a folding blade (04) is controlled on the basis of a signal (m1) at a measuring point (S1) located on the folding table (02), such

that the contact point is moved closer to the intake side (18) as a result of a signal (m1) that detects the product edge.

24. The method according to claim 22 or 23, characterized in that the location of the contact point on the folding table (02) or a distance (A) between the contact point and a stop (09; 46) situated downstream is set differently for different speeds.
25. The method according to claim 1, characterized in that the correction of a skewed position is based upon signals (m3; m4) of third and fourth measuring points (S3; S4), which are different from the first and second measuring points (S1; S2).
26. A method for operating a longitudinal folding apparatus (01), particularly according to one or more of claims 1 to 25, characterized in that for different operating phases during a production run, a location of a contact point of a product (03) to be folded with a folding blade (04) is controlled according to rules that are different from each other.
27. The method according to claim 26, characterized in that during an acceleration phase, i.e., a phase in which the speed of the machine is increased, the location of the contact point or the time of first contact is controlled based upon a rule according to claim 1, 22 or 23.
28. The method according to claim 1, characterized in that the first measuring point (S1) is disposed spaced transversely to the direction of transport (T1) at most by a distance a1 of 100 mm from a plane (E) that passes through the longitudinal direction of the folding blade (04) and preferably extends substantially vertically.

29. The method according to claim 26 or 27, characterized in that during a stationary production phase, i.e., the speed of the machine is constant, the location of the contact point or the time of first contact is controlled based upon a rule according to claim 6.
30. The method according to claim 29, characterized in that during a stationary production phase, i.e., the speed of the machine is constant, the location of the contact point or the time of first contact is controlled based upon a rule according to claim 6.
31. The method according to claim 1 and/or 22, characterized in that a skewed position of a product (03) exiting a folding roller gap between two folding rollers (07) of a longitudinal folding apparatus (01) is corrected, wherein
- the product (03) is pressed into the gap between the folding rollers by the folding blade (04), which can be moved up and down relative to the folding table (02), and said product then leaves the folding roller gap and is conveyed along a direction of transport (T2),
 - wherein at each of two measuring sites (S5; S6) spaced from one another transversely to the direction of transport (T2) of the folded product (03), a time at which a leading or trailing product edge passes through is detected,
 - using the passage times detected at the two measuring sites (S5; S6), a deviation Δt_2 between a time offset detected as the observed product edge passes through the two measuring sites (S5; S6) and a target time offset is determined and analyzed by means of control and/or data processing methods,
 - and as a result of a deviation Δt_2 that goes beyond at least one tolerance range, a measure that counteracts the deviation Δt_2 and involves a stronger or weaker retention of the product (03) as it passes through the folding rollers (07) and/or involves greater or less friction between braking elements (31; 32; 33; 34) and the

product (03) is initiated by means of a control process (39).

32. The method according to claim 1 or 28, characterized in that folding is carried out when a stop (09; 46), which in its engaged position restricts the transport path, is in its disengaged position.
33. A longitudinal folding apparatus (01), particularly for carrying out the method of one or more of claims 1 to 32, comprising a folding blade (04) and a folding table (02) having a folding gap (06), to which products (03) to be folded can be fed from a first intake side (18) along a first direction of transport (T1), preferably parallel to the plane of the folding table, wherein a first measuring point (S1) at or immediately upstream of a stop surface that, in the activated state thereof, restricts the transport path (T1) and a second measuring point (S2) that lies closer to the intake side (18) are provided, along with a regulating and/or control system (10) assigned to the folding blade drive, and wherein one or more braking elements (31; 32; 33; 34) are provided on each of the two sides of the folding gap (06), characterized in that the folding blade (04) has a folding blade drive for the movement thereof, which is mechanically independent of at least one transport device situated upstream of the folding gap (06) and provided for conveying the products (03) to, into, or within the longitudinal folding apparatus (01), and in that the regulating and/or control system (10) is embodied with an algorithm so as to modify a relative phase position between folding blade drive and product flow, on the basis of signals (m1; m2) that detect the presence of a product leading edge at the first and second measuring points (S1; S2), such that the product leading edge of a subsequent product (03) can still be detected only at the second measuring point (S2), and in that at least two braking elements 31; 32 or groups 26; 27 of braking elements (31; 32) disposed on each of the two sides of the folding gap 06 can be adjusted independently of one another in terms of the distance thereof from the folding table (02) or from the upper side of the folding table and/or from the product (03).

34. The longitudinal folding apparatus according to claim 33, characterized in that the two measuring points (S1; S2) represent singular measuring points (S1; S2), spaced significantly from one another, and/or restrict a capture area, the boundaries of which they monitor.
35. The longitudinal folding apparatus according to claim 33, characterized in that the folding blade drive has a position-controlled drive motor (17), which is synchronized via an electronic guide axis with units situated upstream of the longitudinal folding apparatus (01).
36. The longitudinal folding apparatus according to claim 35, characterized in that a drive control mechanism, which is connected in terms of signals transmission to the electronic guide axis and provides target angular positions to the drive motor (17) is assigned to the drive motor (17), wherein a control process (38) with an algorithm is provided, via which a correction value $k\Delta 1$ or $k\Phi 1$ is applied to the target angular position dependent upon the signals (m1; m2) of the measuring points (S1; S2).
37. The longitudinal folding apparatus (01) according to claim 33, comprising two sensors (S3; S4), which detect the presence of a product (03) to be folded longitudinally, on a transport path along the direction of transport (T1), and which are spaced transversely to the direction of transport (T1) of the product (03) to be guided past, and comprising a control process (38), with which the signals (m3; m4) of these sensors (S3; S4) can be analyzed with respect to a skewed product position, wherein at least one control element is provided, which can be adjusted on the basis of an output signal of the control process (38) for the purpose of influencing a skewed product position on the folding table (02).
38. The longitudinal folding apparatus according to claim 33 or 37, characterized in that a

device for monitoring and correcting a skewed position of the product (03) to be longitudinally folded on the folding table (02) is provided, which device is different from a stop (09).



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EXAMINER				
ART UNIT PAPER NUMBER				
3721				
MAIL DATE DELIVERY MODE				
11/21/2011 PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATTINGLY & MALUR, PC
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of:

DECKER, MARKUS WILHELM et al

Serial No.: 13/138,723

Filed: Sep. 22, 2011

Attorney Docket No. : W1.3175 PCT-US

Title: METHOD FOR OPERATING A
LONGITUDINAL FOLDING MACHINE
COMPRISING A FOLDING BLADE
AND FOLDING TABLE AS WLL AS
SUCH A LONGITUDINAL FOLDING
MACHINE

DECISION ON A REQUEST TO
PARTICIPATE IN PATENT
PCT/PROSECUTION HIGHWAY
PROGRAM AND PETITION
TO MAKE SPECIAL UNDER
CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Oct. 4, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the JPO, EPO, KIPO, or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND
THE USPTO**

Application No:	13/138,724	Filing date:	2011-09-22
First Named Inventor:	DECKER et al		

Title of the
Invention: A METHOD FOR CORRECTING A SKEWED POSITION OF A PRODUCT EXITING A FOLDING ROLLER GAP BETWEEN TWO FOLDING ROLLERS OF A LONGITUDINAL FOLDING APPARATUS etc.

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT
HTTP://WWW.USPTO.GOV/EBC/EFSS_HELP.HTML**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCT/EP2009/067830

The international filing date of the corresponding
PCT application(s) is/are: December 23, 2009

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☐

Is attached

☒Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☐

Is attached.

☒Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.: 13/138,724

First Named Inventor: DECKER et al

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒
Has already been filed in the above-identified U.S. application on Sept. 22, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒
Have already been filed in the above-identified U.S. application on Sept. 22, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
23, 24	1, 2	direct correspondence
25	3	U.S. claim amended to delete multiple dependency
26, 27	4, 5	direct correspondence
28, 29	6, 7	U.S. claims amended to delete multiple dependency
30, 31	8, 9	direct correspondence
32	10	U.S. claim amended to delete multiple dependency
33	11	direct correspondence
34	12	U.S. claim amended to delete multiple dependency
35-41	13-19	direct correspondence
42	20	U.S. claim amended to delete multiple dependency
43, 44	21, 22	direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature <u>/Douglas R. Hanscom/</u>	Date <u>Oct. 4, 2011</u>
Name (Print/Typed) <u>Douglas R. Hanscom</u>	Registration Number <u>26,600</u>

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association


4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 20 September 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/067830, filed on 23 December 2009 and published on 30 September 2010 under No. WO 2010/108561 A1. The undersigned further states that the prosecution document associated with PCT/EP2009/067830 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.


Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 22 July, 2011

2. This report comprises a total of 5 pages including this cover sheet.
3. Enclosures are also included with the report; these include

A total of 7 pages (*sent to the applicant and to the International Authority*), which include

Sheets of the description, claims and/or drawings which have been amended and are the basis of this report, and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language**, this report is based on:

the international application in the language in which it was filed.
2. With regard to the **elements** of the international application, this report is based on:

the description, pages

1-45 as originally filed/furnished

the claims, Nos.

1-22 received with the letter dated 11 May 2010

the drawings, pages

1/15-15/15 as originally filed/furnished

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes: Claims 1-22
	No: Claims

Inventive Step (IS)	Yes: Claims 1-22
	No: Claims

Industrial Applicability (IA)	Yes: Claims 1-22
	No: Claims

2. Citations and Explanations (Rule 70.7):

See supplementary pages

**INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY
(SUPPLEMENTARY PAGES)**

Box V.

Reference is made to the following document:

D1 DE 195 04 769 A1 (ROLAND MAN DRUCKMASCH [DE]) 22 August 1996
(1996-08-22)

1. D1 is considered to be the prior art closest to the subject matter of claim 1, and discloses (the references between parentheses relate to said document):

A method for correcting a skewed position of a product (4), wherein

- the product (4) is pressed into the folding roller gap (20) by a folding blade (2), which can be moved up and down relative to the folding table (5, 6), and said product then leaves the folding roller gap (20) and is conveyed along a direction of transport,
- wherein at each of two measuring sites (9; 10), spaced from one another transversely to the direction of transport of the folded product (4), a time at which a leading product edge (40) passes through is detected,
- using the passage times detected at the two measuring sites (9; 10), a deviation Δt_2 between a time offset detected as the observed product edge passes through the two measuring sites (9; 10) and a target time offset is determined and analyzed by means of control and data processing methods,
- and as a result of a deviation Δt_2 that goes beyond at least one tolerance range, a measure that counteracts the deviation Δt_2 and involves a stronger or weaker retention of the product (4) as it passes through the folding rollers (3) and involves greater or less friction between braking elements (11; 12) and the product (4) is initiated by means of a control process.

- 1.1 Therefore, the subject matter of claim 1 differs from the known method in that the time at which a product edge of a product exiting the longitudinal folding apparatus passes through is detected.

- 1.2 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

2. D1 is considered to be the prior art closest to the subject matter of claim 15, and discloses (the references between parentheses relate to said document):

A longitudinal folding apparatus (1) comprising a folding table (5, 6), to which a product (4) to be folded can be fed from an intake side, along a first direction of transport parallel to the plane of the folding table, with a folding blade (2) that can be moved up and down relative to the folding table (5, 6) and a folding roller gap (3) disposed underneath the folding table (5, 6).

- 2.1 The subject matter of claim 15 therefore differs from the known longitudinal folding apparatus in that on a transport path disposed downstream of the folding roller gap, two sensors that detect the presence of a longitudinally folded product are provided, spaced from one another transversely to the direction of transport of the product to be guided past, in that a control process is provided, with which the signals from these sensors can be analyzed with respect to a skewed product position, and in that at least one control element that can be adjusted as a result of an output signal of the control process for influencing a skewed product position is provided, wherein as the control element, at least one braking element is provided, the braking effect of which can be varied, and which is particularly actuatable via an actuator (implicit).
- 2.2 Therefore, the subject matter of claim 15 is novel (PCT Article 33(2)).
3. The problem addressed by the present invention can be considered that of devising an alternative method for correcting a skewed position of a product and an alternative longitudinal folding apparatus, wherein a skewed position of a product is detected not prior to longitudinal folding but after longitudinal folding.
4. The solution to this problem proposed in claims 1 and 15 of the present application is neither known nor obvious from the available prior art, and therefore involves an inventive step (PCT Article 33(3)).
5. Claims 2-14 are dependent on claim 1, and claims 16-22 are dependent on claim 15, and therefore also satisfy the requirements of the PCT in respect of novelty and inventive step.

Claims

1. A method for correcting a skewed position of a product (03) exiting a folding roller gap between two folding rollers (07) of a longitudinal folding apparatus (01), wherein
 - the product (03) is pressed into the gap between the folding rollers by a folding blade (04), which can be moved up and down relative to the folding table (02), and said product then leaves the folding roller gap and is conveyed along a direction of transport (T2),
 - wherein at each of two measuring sites (S5; S6) spaced from one another transversely to the direction of transport (T2) of the folded product (03), a time at which a leading or trailing product edge of the product (03), which, after passing through the folding gap (06), is longitudinally folded, is detected,
 - using the passage times detected at the two measuring sites (S5; S6), a deviation Δt_2 between a time offset detected as the observed product edge passes through the two measuring sites (S5; S6) and a target time offset is determined and analyzed by means of control and/or data processing methods,
 - and as a result of a deviation Δt_2 that goes beyond at least one tolerance range, a measure that counteracts the deviation Δt_2 and involves a stronger or weaker retention of the product (03) as it passes through the folding rollers (07) and/or involves greater or less friction between braking elements (31; 32; 33; 34) and the product (03) is initiated by means of a control process (39).
2. The method according to claim 1, characterized in that the measure is initiated only after a deviation Δt_2 has been identified in a definable number of successive products (03).
3. The method according to claim 1 or 2, characterized in that as the measure, a braking element (31; 32; 33; 34) disposed above the folding table (02) or a group

(26; 27; 28; 29) of braking elements (31; 32; 33; 34) disposed above the folding table (02) is moved closer to the product (03) or farther away from the product (03).

4. The method according to claim 3, characterized in that as the measure, one of two braking elements (31; 32; 33; 34) disposed above the folding table (02) and spaced from one another in a direction of transport (T1), or one of two groups (26; 27; 28; 29) of braking elements (31; 32; 33; 34) disposed above the folding table (02) and spaced from one another in the direction of transport (T1), is moved closer to the folding table (02) or farther away from the folding table (02).
5. The method according to claim 4, characterized in that in said measure, the distance of the other of the two braking elements (31; 32; 33; 34) or the other group (26; 27; 28; 29) is not changed.
6. The method according to claim 1, 3 or 4, characterized in that as the measure, a brush pressure of at least one braking element (31; 32; 33; 34), embodied as a brush (31; 32; 33; 34) and interacting in the active status thereof with the products (03) on the folding table (02), is varied.
7. The method according to claim 1 or 6, characterized in that as the measure, a braking effect, particularly a brush pressure, is varied in a region of a leading product half of the products (03) located on the folding table (02).
8. The method according to claim 7, characterized in that by increasing the brush pressure of one or more brushes (33; 34) or brush groups (28; 29) that are farther from the intake side, the product end that is leading in relation to the direction of transport (T1) is held back with greater force as it passes through the folding rollers (07), and, thereby the product (03) exiting the folding roller gap is

rotated.

9. The method according to claim 1, characterized in that the signals (m5; m6) received at the measuring sites (S5; S6) are analyzed by means of a trigger circuit, such that the paths of the signals (m5; m6) over time, particularly the slopes thereof as the status changes, are analyzed relative to one another with respect to time, and on the basis of a logic system, both a measurement of product skew and information on the direction of the skewed position are provided.
10. The method according to claim 1 or 9, characterized in that using the time difference between two signals (m5; m6), a pulse length is determined as a measurement of product skew, and using the order of two signals (m5; m6), the direction of the skewed position is determined.
11. The method according to claim 10, characterized in that the pulse length is converted to a value for product skew, taking into consideration the time a product (03) requires per mm of path, dependent on machine speed, and said value is compared with a value for maximum permissible product skew.
12. The method according to claim 10 or 11, characterized in that the counteracting measure is implemented when a value for maximum permissible product skew is exceeded.
13. The method according to claim 12, characterized in that when the maximum permissible product skew is exceeded, a control signal, which particularly correlates to the measurement for product skew, is sent to at least one control element, particularly to at least one drive (41 to 44) of at least one braking element (31; 32; 33; 34).

14. The method according to claim 1, characterized in that the measure involves a variation of the degree of retention of the trailing end of the product (03) as it passes between the folding rollers.
15. A longitudinal folding apparatus (01), particularly for implementing the method according to one or more of claims 1 to 14, comprising a folding table (02), to which a product (03) to be folded can be fed from an intake side (18), along a first direction of transport (T1), preferably parallel to the folding table plane, with a folding blade (04) that can be moved up and down relative to the folding table (02), and a folding roller gap disposed underneath the folding table (02), characterized in that on a transport path downstream of the folding roller gap, two sensors (S5; S6) that detect the presence of a longitudinally folded product (03) are provided, spaced from one another transversely to the direction of transport (T2) of the product (03) to be guided past, in that a control process (39) is provided, with which the signals (m5; m6) from these sensors (S5; S6) can be analyzed with respect to a skewed product position, and in that at least one control element is provided, which can be adjusted as a result of an output signal of the control process (39) for the purpose of influencing a skewed product position, wherein at least one braking element (31; 32; 33; 34) is provided, the braking effect of which can be varied, and which is actuable particularly by means of an actuator (41; 42; 43; 44).
16. The longitudinal folding apparatus according to claim 15, characterized in that the sensors (S5; S6) or the measuring points (S5; S6) thereof are spaced from one another by a distance (a5,6) of at least 80 mm, viewed in the longitudinal direction of the folding roller gap.
17. The longitudinal folding apparatus according to claim 15, characterized in that the

two sensors (S5; S6) or measuring points (S5; S6) are disposed at substantially the same vertical distance (a5,6,02), particularly 150 mm to 400 mm, from a surface of the folding table (02) that supports the product (03) prior to folding.

18. The longitudinal folding apparatus according to claim 15, characterized in that the at least one braking element (31; 32; 33; 34) is disposed above the folding table (02) and is disposed so as to interact with the product (03).
19. The longitudinal folding apparatus according to claim 18, characterized in that an actuatable braking element (31; 32; 33; 34) is disposed in such a way that, in the active status thereof, during the folding process, it is disposed to interact with the product (03) located on the folding table (02), in the region of a leading half of the product.
20. The longitudinal folding apparatus according to claim 18 or 19, characterized in that an actuatable braking element (31; 32; 33; 34) is disposed in such a way that, in the active status thereof, during the folding process, it is disposed to interact with the product (03) located on the folding table (02), in the region of a trailing half of the product.
21. The longitudinal folding apparatus according to claim 20, characterized in that at least one actuatable braking element (31; 32; 33; 34) farther from the intake side is disposed in the region of a leading product half, and one actuatable braking element (31; 32; 33; 34) closer to the intake side is disposed in the region of a trailing product half, wherein the two braking element (31; 32; 33; 34) are embodied as actuatable independently of one another.

22. The longitudinal folding apparatus according to claim 15, that at least two braking

2009-12-23

PCT/EP2009/067830

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elements (33; 34) farther from the intake side or at least two groups (28; 29) of braking elements (33; 34) farther from the intake side are disposed side by side and spaced from one another transversely to the direction of transport (T1), and are particularly adjustable independently of one another in terms of their distance from the folding table (02).

REVISED SHEET



UNITED STATES PATENT AND TRADEMARK OFFICE

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of
Markus Wilhelm Decker, et al.
Application No.: 13/138,724
Filed: 22 September 2011
Attorney Docket No.: **W1.3177 PCT-US**
For: **METHOD FOR CORRECTING AN
INCLINED POSITION OF A PRODUCT
EXITING A GAP OF TWO FOLDING
ROLLERS OF A LONGITUDINAL
FOLDING MACHINE AND SAID
LONGITUDINAL FOLDING
MACHINE**

:
: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)
:
:
:
:
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This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 04 October 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, IPAU, APO, RU, SPTO, PRV, SIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3204.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004**

**MAILED
MAR 21 2012
OFFICE OF PETITIONS**

In re Application of
Yoshiyuki WATANABE et al.
Application No.: 13/138,790
Filed: September 28, 2011
Attorney Docket No.: 14696/25
For: STEEL FOR WELDED STRUCTURE
AND PRODUCING METHOD THEREOF

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 12, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or

- ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
- 3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

A handwritten signature in black ink, appearing to read 'Thurman K. Page', is written over a horizontal line.

Thurman K. Page
Petitions Examiner
Office of Petitions

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND
THE USPTO**

Application No:	13/138,794	Filing date:	2011-09-29
First Named Inventor:	Burkhard Otto HERBERT		
Title of the Invention:	NEWSPAPER PRODUCT, AND METHOD AND APPARATUS FOR PRODUCING A PRODUCT		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EFW/EFW_HELP.HTML			
APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.			

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCT/EP2010/053665

The international filing date of the corresponding
PCT application(s) is/are: March 22, 2010

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s)

☐

Is attached

☒Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the
above-identified corresponding PCT application(s).

☐

Is attached.

☒Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English
language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	13/138,794
First Named Inventor:	Borkhard Otto HERBERT

- ☐ WORKSHEET, WORKSHEET, WORKSHEET
Is attached

Has already been filed in the above-identified U.S. application on Sept. 29, 2011

- ☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on Sept. 29, 2011

[illegible]

Signature <u>/Douglas R. Hanscom/</u>	Date <u>Oct. 11, 2011</u>
Name (Print/Typed) <u>Douglas R. Hanscom</u>	Registration Number <u>26,600</u>

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES

Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 27 September 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2010/053665, filed on 22 March 2010 and published on 7 October 2010 under No. WO 2010/112357 A1. The undersigned further states that the prosecution document associated with PCT/EP2010/053665 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.


Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 21 April, 2011

2. This report comprises a total of 4 pages including this cover sheet.

3. Enclosures are also included with the report; these include

A total of 11 pages (*sent to the applicant and to the International Authority*), which include

Sheets of the description, claims and/or drawings which have been amended and are the basis of this report, and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language**, this report is based on:

the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on:

the description, pages

3, 5-20	as originally filed/furnished
4	received with the letter dated 07 April 2010
1, 2, 2a	received with the letter dated 06 July 2010

the claims, Nos.

1-25	received with the letter dated 06 July 2010
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the drawings, pages

1/9-9/9	as originally filed/furnished
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Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N) Yes: Claims 1-25
 No: Claims

Inventive Step (IS) Yes: Claims 1-25
 No: Claims

Industrial Applicability (IA) Yes: Claims 1-25
 No: Claims

2. Citations and Explanations (Rule 70.7):

See supplementary pages

**INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY
(SUPPLEMENTARY PAGES)**

Box V.

The **closest prior art** is described in WO84/03258 (D1) or in EP-B-1037749 (D2). Document D1 discloses a newspaper product comprising a plurality of two-page signatures and a signature disposed between these signatures, which has an outer region that can be folded out and is glued to the two-page-wide center region. Document D2 discloses a method in which a partial product web is guided to a first product web, the partial web having a narrower width than the first product web, and being fastened to an outer edge of the first product web, in identical alignment with said edge, by means of a strip of adhesive. The newspaper product of claim 1 differs from D1 or D2 in that on the opened up, extra-wide signature, a printed image of an illustration extends across more than two pages and is continuous, without a white strip. The method of claim 4 and the apparatus of claim 24 differ from D1 and D2 in terms of the corresponding method/apparatus features for aligning and exposing the forme cylinder so as to enable the printing of such a print image. The subject matter of claims 1, 4 and 24 is therefore novel (PCT Article 33(2)).

The problem addressed by the invention is that of printing an extra-wide printed image across the double-page spread region, and extending across the folded-out region, without interruption.

The problem is solved by the above-stated features that are essential to the invention. With these, it is possible to include the folded out region in imprinting the image of an automobile, for example. The cited documents relate to a different set of problems, and therefore, they cannot anticipate this concept.

Therefore, the subject matter of claims 1, 4 and 24 involves an inventive step (PCT Article 33(3)).

Specification

Newspaper product and method and apparatus for producing a product

The invention relates to a newspaper product and to a method and an apparatus for producing a product, according to the features of claims 1 and 4 and 24, respectively.

DE 10 2004 033 920 B4 discloses a web-fed rotary printing press, wherein in one embodiment, a longitudinally folded product having fold-out pages that are folded in on one or on both sides can be produced. For this purpose, a web having a width of more than two or more than three pages is folded in on one or on both sides by a plough folder, and is then folded longitudinally over a fold former.

DE 297 13 744 U1 involves a particular embodiment for dispensing heads of a longitudinal or cross gluing apparatus. In one embodiment, two webs are guided one above the other upstream of a longitudinal fold former, wherein upstream of a fold former, a longitudinal bead of glue is applied to the upper side of the lower web at the $\frac{1}{4}$ and $\frac{3}{4}$ widths and to the upper side of the upper web, and, at the output of the fold former, to the underside of the lower web at the $\frac{3}{4}$ width. A product consisting of eight pages folded at the center and glued into one another can thereby be produced.

DE 25 58 049 A1 discloses a method and an apparatus for producing a printed product, wherein two partial webs measuring two pages in width are guided one above the other. In order to make a product section of the final product removable, the two webs of webs guided one on top of the other are joined to one another, parallel to what will later be the first longitudinal fold line, by a bead of glue. The bead of glue is preferably located 12 mm to the side of the longitudinal fold line. Between longitudinal fold line and glue bead, the two webs are perforated by a perforating device, which allows the glued product section to be removed without destroying the product.

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In DE 76 29 914 U1, a product comprising a plurality of webs that are glued to one another longitudinally and are perforated longitudinally is produced, wherein after being joined longitudinally, the product is cut into multilayer product sections, cross-folded, and then folded longitudinally. The two webs are joined to one another eccentrically, so that part of a collection of pages to be produced by the apparatus can be prevented from unfolding, or can be separated from the remaining part. In order for this to be carried out substantially without destroying the product, the joined strand is embodied as perforated in the region between glue bead and web center.

DE 71 29 190 U discloses a method and an apparatus, wherein a wider web is folded longitudinally at the center on a fold former. Prior to longitudinal folding, the web to be folded at the center is provided with glue close to the center, for the purpose of joining said web to a half-width web upstream of folding. After longitudinal folding, the glued single page is folded in by the folded pages of the wider web.

DE 30 16 573 A1 discloses a method for producing products, and products, which method allows a multi-page insert to be handled as a separate component. For this purpose, different patterns of glue beads and longitudinal perforations are provided in various embodiments. With these, a product section can be removed from the product in the region of the perforation without destroying the product. In one embodiment, one leg of a partial web is first folded in by longitudinal folding, and is then glued to the remaining web width. The gluing is spaced from the edge of the leg that has been folded over, in order to ensure later removal along a perforation.

WO 84 03258 A1 discloses a method by which an object, for example, a pair of glasses, can be inserted into a multi-section product. For this purpose, one section is provided with a central region that supports the object, and two flaps, one of which can be folded

2a

over the object. The section that contains the folded-in flap, together with the other flap, forms a section that is folded along the spine in the product.

EP 1 037 749 A1 discloses a printed product and a method for producing said product. In this case, the entire printed area of the product is no longer to be predetermined on the basis of the page jumps for entire printed pages defined by the printing press, and instead, the option of only partial-width pages is to save on materials and costs. Within a folded, outer double page is at least one page having a smaller format in relation to the outer section. This page of smaller format can then be arranged in different ways inside the product. It can be arranged symmetrically with the fold line, with one lateral edge flush with the fold line, or with one lateral edge flush with the outer section. It can be loose, or fastened by a strip of adhesive to the section that lies closer to the outside. Depending on the configuration, in production, one narrower web and one wider web are combined with their outer edges symmetrical with one another, with one outer edge of the narrower web aligned with the fold line, or with outer edges aligned on one side.

The problem addressed by the invention is that of devising a newspaper product, a method, and an apparatus for producing a product, particularly a newspaper product.

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At least one other of the webs to be processed to produce a combined product can then be formed from another print substrate, for example, from newsprint paper (e.g., open-pored and/or uncoated or lightly coated).

Embodiment examples of the invention are illustrated in the set of drawings and will be specified in greater detail in what follows.

The drawings show:

Fig. 1 an example of a newspaper printing press;

Fig. 2 a schematic illustration of a product having an extra-wide signature;

Fig. 3 a diagram illustrating the principle of the production of an extra-wide signature, in a first embodiment a) and in a second embodiment b), and an illustration of the resulting signature c).

Fig. 4 a schematic plan view of the principle of the method according to the embodiment of Fig. 3b);

Fig. 5 5a) and 5b) schematic illustrations of possible forme cylinder loading configurations, 5c) the procedure according to 3b), and 5d), the resulting signature;

Fig. 6 examples of longitudinally folded, extra-wide signatures having various edge page widths;

Fig. 7 a diagram illustrating the principle of the production of another extra-wide signature in a first embodiment a) and in a second embodiment b), and an illustration of the resulting extra-wide signature c);

Claims

1. A newspaper product or newspaper product section, particularly produced by a method according to one or more of claims 4 to 23, comprising at least one outer signature (L), two pages in width, and at least one inner signature (L; S), at least two pages in width, wherein the at least two signatures, in the closed condition thereof, are each folded longitudinally along a longitudinal fold line (F) and are arranged one inside the other, and wherein the at least two signatures (L) have two vertical printed pages side by side or one printed image that is continuous over two vertical printed pages, on both sides of the longitudinal fold line (F), wherein the at least one inner signature (S) has a fold-out outer region (21), at least on a longitudinal side of its longitudinally folded center region (19), which is two pages in width, said side extending parallel to the longitudinal fold line (F), wherein this fold-out outer region (21) is joined by adhesion in the region of its lateral edge to the lateral edge region of the two-page-wide center region (19), and forms an extra-wide signature (S) with the center region (19), and the outer region (21), in the folded open condition, extends beyond the width of the remainder of the product (P) and forms a lateral continuation of the center region (19), wherein on the folded open extra-wide signature (S), a printed image of a continuous illustration extends across more than two pages, without a white strip.
2. The newspaper product or newspaper product section according to claim 1, characterized in that the center region (19) and the outer region (21), in the closed condition, in which they are not folded open, lie one on top of the other such that together they form a lateral edge on the longitudinal side having the adhesive connection, and/or in that the outer region (21) can be folded open from the center of the product, wherein the adhesive connection with the center region (19) is kept along the edge.

3. The newspaper product or newspaper product section according to claim 1, characterized in that a fold-out outer region (21) is provided on both sides of the center region (19).
4. A method for producing a product (P) in a printing press, particularly a newspaper printing press, comprising at least one printing unit (02) through which at least one web (04; 06) passes, wherein the printing unit (02) comprises a plurality of printing couples, each having one forme cylinder (05), wherein the product (P) to be produced has an extra-wide signature (S), comprising a center region (19), which is two pages in width and has a longitudinal fold (20), and, on at least one side of the center region (19), an outer region (21) that forms a continuation of the center region, wherein at least one first imprinted web strand (04b), which is two pages in width, and one second imprinted web strand (04a), which is embodied as no more than one page in width, or an imprinted web strand (04b; 04a; 04a1; 04a2), which is produced from the second web strand (04a) by longitudinal slitting and is embodied as no more than one page in width, are produced by the printing press, and wherein one of the two web strands (04b; 04a; 04a1; 04a2) is guided on top of the other of the two web strands (04b; 04a; 04a1; 04a2), characterized in that the second web strand (04a1; 04a2) forms the outer region (21) of the extra-wide signature (S) in the product (P), and is adhesively joined at an outer edge region to an outer edge region of the first web strand (04b), which forms the center region (19) in the product (P), before the strand (17), which results from the joining of the two web strands (04b; 04a1; 04a2) to be joined along their edges, is guided to a fold former (13) for longitudinal folding, wherein after imprinting, the first web strand (04b) has a printed page that is two newspaper pages in width, and the printed images disposed on the forme cylinders (05) for the center region (19) and the outer region (21) are exposed and/or aligned in such a way that a continuous printed image extends across more than two pages on the folded

open, extra-wide signature (S).

5. The method according to claim 4, characterized in that the second web strand (04a) is slit longitudinally before being joined to the first web strand (04b).
6. The method according to claim 4, characterized in that the second web strand (04a) has two printed pages, each one newspaper page in width.
7. The method according to claim 4, 5 or 6, characterized in that the second web strand (04a) is slit longitudinally, and one outer edge region of each of the two longitudinally slit partial web strands (04a) is adhesively joined, particularly by gluing, to the two outer edge regions of the un-slit first web strand (04b), before the un-slit first web strand (04b), which is two pages in width, is guided with its joined partial web strands (04a1; 04a2) to the fold former (13) for longitudinal folding.
8. The method according to one or more of the preceding claims 4 to 7, characterized in that the first web strand (04b) and the second web strand (04a) are produced by longitudinal slitting from the same imprinted web (04).
9. The method according to one or more of the preceding claims 4 to 8, characterized in that the one web strand (04; 04a1; 04a2) is guided onto the other web strand (04b) by turning.
10. The method according to one or more of the preceding claims 4 to 9, characterized in that the first web strand (04b) and the second web strand (04a) are produced from different webs (04) imprinted in different printing towers (01).

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2010-07-06

Replacement Page

PCT/EP2010/053665

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11. The method according to one or more of the preceding claims 4 to 10, characterized in that the web (04) receives ink via a forme cylinder (05), which has the length of at least four vertical newspaper pages.
12. The method according to one or more of the preceding claims 4 to 11, characterized in that at least one printing forme (26; 28), which is at least two newspaper pages in width, is disposed on the forme cylinder (05) and provides the first web strand (04b) with its printed image.
13. The method according to one or more of the preceding claims 4 to 12, characterized in that a glazed and/or heavily coated paper having a coat weight greater than 10 g/m² is used for the first web strand (04b) and/or the second web strand (04a) or for a web (04) which will be cut into the first and second web strands (04a; 04b).
14. The method according to one or more of the preceding claims 4 to 13, characterized in that the first web strand (04b) and/or the second web strand (04a) or a web (04) which will be cut into the first and second web strands (04a; 04b) is guided through a dryer (09).
15. The method according to one or more of the preceding claims 4 to 14, characterized in that at least one third web (06) or third web strand (06) is imprinted by another printing unit (02), particularly another printing tower (06).
16. The method according to claim 15, characterized in that the third web strand (06) is merged with the longitudinally folded strand (17) that contains the first web strand (04b) at the latest downstream of a fold former (13), to form a

combined strand, and is processed in a folding apparatus (08) to form a product (P), particularly newspaper product (P).

17. The method according to one or more of the preceding claims 4 to 16, characterized in that an uncoated paper, for example, newsprint paper, is used as the web (06) that represents or contains the third web strand (06).
18. The method according to claim 17, characterized in that the third web strand (06) does not pass through an active dryer.
19. The method according to one or more of claims 15 to 18, characterized in that from the at least three web strands (04; 04a; 04b; 06), a newspaper product (P) is produced, which contains the signature (S) from the first web strand (04b) with the joined web strand (04a1; 04a2) or joined web strands (04a1; 04a2) and at least one additional signature (L) from at least one third, longitudinally folded web strand (06) that is two pages in width.
20. The method according to one or more of claims 16 to 19, characterized in that the entire strand is cross cut downstream of the fold former (13), and the resulting product sections are cross folded once before being delivered to a delivery area of the folding apparatus (08).
21. The method according to claim 4, characterized in that the at least one web (04; 06) passes substantially vertically through a printing tower (01) containing the printing unit (02), in a printing press embodied as a newspaper printing press.
22. The method according to one or more of the preceding claims 4 to 21,

characterized in that the web (04; 06) is imprinted by at least one printing unit (02) embodied as an H-printing unit or satellite printing unit, particularly by at least two stacked H-printing units or satellite printing units, and/or passes substantially vertically through the stacked printing units (02).

23. The method according to one or more of claims 4 to 22 for producing an as newspaper product (P) or a newspaper product section (P) according to one or more of claims 1 to 3.
24. An apparatus for producing a product (P), which has an extra-wide signature (S) comprising a center region (19), which is two pages in width and has a longitudinal fold (20), and on at least one side of the center region (19), an outer region (21), which forms a continuation of the center region, said apparatus comprising at least one printing tower (01) through which a web (04) passes substantially vertically, wherein the printing tower (01) has a plurality of printing couples, each having one forme cylinder (05), with a superstructure (07) and with a former structure (03) having at least one fold former (13), wherein the superstructure (07) is embodied as having guide elements, such that a first web strand (04b), embodied as two pages in width and forming the center region (19) in the product (P), and a second web strand (04a; 04a1; 04a2), embodied as no more than one page in width and forming the outer region (21) in the product (P), can be guided on top of one another in such a way that the lateral edges thereof lie in the same alignment at least on the same side of the strand, wherein upstream of the former structure (03), on the web path of one of the two webs (04) or web strands (04a; 04b; 04a1; 04a2), a dispensing unit (14) is disposed so as to apply adhesive material to an edge region of one of the two webs (04) or web strands (04a; 04b; 04a1; 04a2), in such a way that the two web strands (04b; 04a1; 04a2) are in contact with one another as they are merged upstream of the former structure (03) or on a roller (16) disposed upstream of a fold

former (13), and can be adhesively joined to one another along the edge by the adhesive material (15) to form a strand (17), and the print images for the center region (19) and the outer region (21), disposed on the forme cylinders (05), are exposed and/or aligned in such a way that a continuous printed image extends across more than two pages on the folded open extra-wide signature (S).

25. The apparatus according to claim 24, characterized in that a printing forme relating to the outer region (21) and a printing forme relating to the adjoining center region (19) are exposed in such a way that on the side of each printing forme that forms a continuation of the respective print image, the same print image section is provided in an overlapping region measuring at least 1 mm.



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PCT LEGAL ADMINISTRATION

Ilya Zborovsky
3 Courtyard Circle
Centerport, NY 11721

In re Application of: LYUBOMIRSKIY
Application No.: 13/138,822
PCT No.: PCT/RU2005/000138
Int. Filing Date: 26 March 2010
Priority Date: 31 March 2009
Attorney Docket No.: None
For: WALL FACING PANEL

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed 13 February 2012.

The request is **NOT APPROVED**.

The communication states "[i]t is respectfully requested to withdraw my authorization of agent in the above-identified application." Applicant's request submitted on 13 February 2012 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Specifically, the request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (effective date May 12, 2008) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. Currently, there is an outstanding Office action mailed 04 November 2011 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3298.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

MAILED

MAR 13 2012

OFFICE OF PETITIONS

In re Application of

FAIRBOURN et al.

Application No.: 13/138,864

Filed: October 11, 2011

**Attorney Docket No.: 0197-
9249.1US**

**For: SILANE COATING FOR
MEDICAL DEVICES AND
ASSOCIATED METHODS**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 23, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1), (3-5), and (7-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (6).

Regarding requirement (6), applicant has failed to provide a copy of Written Opinion (PCT/ISA/237).

Regarding requirement (2), it cannot be determined whether requirement (2) has been met since applicant has failed to submit a copy of the Written Opinion (PCT/ISA/237).

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

A handwritten signature in black ink, appearing to read 'David Bucci', is written over the printed name.

David Bucci
Petitions Examiner
Office of Petitions

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fairbourn et al.

Serial No.: 13/138,864

Filed: October 11, 2011

For: SILANE COATING FOR MEDICAL
DEVICES AND ASSOCIATED METHODS

Confirmation No.: 1542

Examiner: To be assigned

Group Art Unit: To be assigned

Attorney Docket No.: 0197-9249.1US

VIA ELECTRONIC FILING
MARCH 16, 2012

COMMUNICATION REGARDING DECISION ON PETITION

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request reconsideration of the Petition to Make Special under the Patent Prosecution Highway. The Decision of March 13, 2012, indicates that item [6] was not provided and item [2] could not, therefore, be determined. Applicants submit herewith a copy of the Written Opinion, which should satisfy the requirements of both items [2] and [6]. Applicants additionally request that the application be granted special status and advanced for early examination.

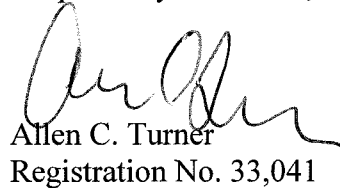
On December 23, 2011, applicants submitted a Petition Under the Patent Prosecution Highway. On March 13, 2012, the U.S. Patent Office mailed a Decision to dismiss on the

Petition with a period of one-month to correct the deficiencies. Applicants believe they have complied with the requirements and request reconsideration.

Item [2] indicates that “at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII.” In the listing of claims provided with the Petition filed on December 23, 2011, applicants list only the “Claims Having Novelty, Inventive Step and Industrial Applicability”. That listing of claims does not include cancelled claims 3, 4 and 18-20. Claims 3, 4 and 18-20 were cancelled in the Preliminary Amendment submitted October 11, 2011.

Should the Office need any additional information, they are respectfully requested to contact the undersigned attorney at the phone number listed below.

Respectfully submitted,



Allen C. Turner
Registration No. 33,041
Attorney for Applicants
TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: March 16, 2012
ACT/bv



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036**

**MAILED
JAN 31 2012
OFFICE OF PETITIONS**

**In re Application of
YAMAMIZU, et al
Application No.: 13/138,949
Filed: October 28, 2011
Attorney Docket No.: UDK-0144
For: INCANDESCENT BULD AND
LIGHT SOURCE APPARATUS**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 28, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or

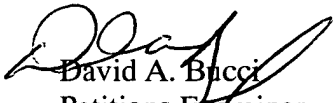
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
- 3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the “Decision to Grant a Patent” from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a “Notification of Reasons for Refusal” then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded “special” status.

Inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



David A. Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 03 2012

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

PCT LEGAL ADMINISTRATION

In re Application of	:	
SATO et al.	:	
Application No.: 13/138,989	:	
PCT No.: PCT/JP2010/058099	:	DECISION
Int. Filing Date: 13 May 2010	:	
Priority Date: 19 May 2009	:	
Attorney's Docket No.: 1761.1202	:	
For: CAGED ROLLER BEARING, CAGED	:	
ROLLER BEARING ASSEMBLY, AND CAGE	:	

This decision is in response to applicants' paper filed 07 December 2011 concerning the name of the first inventor, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 13 May 2010, applicants filed international application PCT/JP2010/058099 which designated the U.S. and claimed a priority date of 19 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 November 2011 (19 November 2011 being a Saturday).

On 09 November 2011, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a declaration of inventors.

On 21 November 2011, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of inventors filed 09 November 2011 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in names of the first inventor between the published international application (SATOU) and the declaration of inventors (SATO).

On 07 December 2011, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition filed 07 December 2011 concerns the spelling of the last name of the first inventor.

The declaration of inventors filed 09 November 2011 lists the first named inventor as Masanori SATO rather than Masanori SATOU as indicated on the published international application. However, a Form PCT/IB/306 for this inventor changing the last name from SATOU to SATO appears with the published international application on the WIPO website. Thus, the petition under 37 CFR 1.181 filed 07 December 2011 is MOOT.

Accordingly, the declaration of inventors filed 09 November 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	TBA	Filing date:	Herewith
First Named Inventor:	Liem Duc Vu		
Title of the Invention:	TAPERED SCREW EXTRUSION PROCESS FOR MAKING SOAP WITH A SECOND PHASE		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/EFIS_HELP.HTML			

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/086566

The international filing date of the corresponding PCT application(s) is/are:
December 12, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: TBA

First Named Inventor: Liem Duc Vu

- d. (1)
- An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**



Is attached



Has already been filed in the above-identified U.S. application on _____

- (2)
- Copies of all documents (except) for U.S. patents or U.S. patent application publications)**



Are attached.



Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical claim
2	2	Identical claim
3	3	Identical claim
4	4	Identical claim
5	5	Identical claim
6	6	Identical claim
7	7	Identical claim
8	8	Identical claim
9	9	Identical claim
10	10	Identical claim
11	11	Identical claim
12	12	Identical claim
13	13	Identical claim
14	14	Identical claim
15	15	Identical claim
16	16	Identical claim
17	17	Identical claim
18	18	Identical claim

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Michael F. Morgan/	Date 06-13-2011
Name (Print/Typed) Michael F. Morgan	Registration Number 42,906



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/139,093	06/10/2011	Liem Duc Vu	8006-00-PC	7803
23909	7590	10/25/2011		
COLGATE-PALMOLIVE COMPANY			EXAMINER	
909 RIVER ROAD				
PISCATAWAY, NJ 08855			ART UNIT	PAPER NUMBER
			1742	
			NOTIFICATION DATE	DELIVERY MODE
			10/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Chempatent@colpal.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WG

October 24, 2011

In re application of	:	DECISION ON REQUEST TO
Liem Vu	:	PARTICIPATE IN PATENT
Serial No. 13/139,093	:	PROSECUTION HIGHWAY
Filed: June 10, 2011	:	PROGRAM AND
For: TAPERED SCREW EXTRUSION	:	PETITION TO MAKE SPECIAL
PROCESS FOR MAKING SOAP	:	UNDER 37 CFR 1.102(a)
WITH A SECOND PHASE	:	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed June 10, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

Application No. 13/139,093

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition fail because Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only. A copy of the WO/ISA, WO/IPEA, or IPER has not been supplied.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

Serial No.: 13/139,093
Attorney Docket: 8006-00-PC
Renewed Petition/Request

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	DUC VU, <i>et al.</i>	Examiner:	TBA
Serial No.:	13/139,093	Art Unit:	1742
Filing Date:	June 10, 2011	Conf. No.:	7803
For:	Tapered Screw Extrusion Process for Making Soap with a Second Phase	Atty. Docket No.:	8006-00-PC

RENEWED REQUEST/PETITION

Dear Sir:

This is a renewed request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and petition under 37 CFR 1.102(a). A request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and petition under 37 CFR 1.102(a) was filed on June 10, 2011. On October 25, 2011 the Office of Petition issued a dismissal of the request and petition. The original request and petition was dismissed because item (6) was not satisfied --- the Office stated that a copy of the WO/ISA, WO/IPEA or IPER was not supplied with the request and petition.

Applicants hereby submit a copy of the Written Opinion issued by the ISA/KR on August 28, 2009 and a copy of the International Preliminary Report on Patentability issued on June 14, 2011.

As item (6) has now been met, Applicants respectfully request reconsideration of the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and petition under 37 CFR 1.102(a) as filed on June 10, 2011 in the above-identified application.

The Director is authorized to charge any additional fees due or credit any overpayments to Deposit Account No. 03-2455.

Respectfully submitted,

Date: November 9, 2011

/Michael F. Morgan/
Michael F. Morgan
Reg. No. 42,906
COLGATE-PALMOLIVE COMPANY
909 River Road; P.O. Box 1343
Piscataway, NJ 08855-1343
Telephone: (732) 878-7606

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

MORGAN MICHAEL F.

COLGATE-PALMOLIVE COMPANY 909 RIVER ROAD,
PO BOX 1343 PISCATAWAY NJ 08854 USA

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **28 AUGUST 2009 (28.08.2009)**

Applicant's or agent's file reference
8006-00-WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2008/086566

International filing date (day/month/year)

12 DECEMBER 2008 (12.12.2008)

Priority date(day/month/year)

International Patent Classification (IPC) or both national classification and IPC

C11D 13/18(2006.01)i

Applicant

COLGATE-PALMOLIVE COMPANY et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139
Seonsa-ro, Seo-gu, Daejeon 302
-701, Republic of Korea
Facsimile No. 82-42-472-7140

Date of completion of this opinion
27 AUGUST 2009 (27.08.2009)

Authorized officer

LEE, Young Jac

Telephone No.82-42-481-8305



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2008/086566

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2008/086566

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-18	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-18	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims	None	NO

2. Citations and explanations :

A. Reference is made to the following documents:

D1: US 2007/0167339 A1, (Richard A. Birch and Femi Durosinmi-Etti), 19 Jul. 2007 (19.07.2007)

D2: US 2001/0036466 A1, (Veronique Roulier, et. al.), 01 Nov. 2001 (01.11.2001)

D3: US 2005/0113482 A1, (Raymond W. Wong, et. al.), 26 May 2005 (26.05.2005)

B. Reasoned statement with regard to novelty and inventive step:

The prior art document D1 discloses a process for the production of particles comprising at least one core of core material containing perfume absorbed therein, the core being coated with at least one water-soluble encapsulating material that is impervious to the said perfume.

D2 discloses the use in cosmetics of rigid gels containing at least 20% by weight of one or more water-soluble or hydrophilic gelling agent(s) which may be obtained from the said water-soluble or hydrophilic gelling agent in the presence of water by mixing, blending, compression and extrusion in a twin-screw extruder.

D3 discloses a process for preparing a phase change ink composition which comprises (a) a phase change ink carrier, said carrier comprising at least one nonpolar component and at least one polar component, and (b) pigment particles.

(cont'd on the next page.)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2008/086566

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of :

Box No. V

The subject matters of claims 1 and 11 disclose a process for producing a solid soap and a multiphase bar soap, respectively. Claim 1 discloses an extrusion process comprising feeding a soap composition into an extruder having a housing with an inlet and an outlet, and claim 11 describes a process for a multiphase bar soap including a stream with a primary soap phase in at least one refiner and then into a plodder. The subject matters of claims 1 and 11 differ from there prior art document in that the use of screw impeller traversing the extruder (claim 1) and extruding the stream including the primary soap phase and the at-least-one secondary soap phase (claim 11).

And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claims 1 and 11 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-10 and 11-18 are dependent claims of claims 1 and 11, respectively, and therefore meet the requirements of PCT Article 33(2) and (3).

C. Reasoned statement with regard to industrial applicability:

Claims 1-18 meet the criteria set out in PCT Article 33(4), because all the claims are considered to be industrially applicable.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 8006-00-WO	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2008/086566	International filing date (<i>day/month/year</i>) 12 DECEMBER 2008 (12.12.2008)	(Earliest) Priority Date (<i>day/month/year</i>)
Applicant COLGATE-PALMOLIVE COMPANY et al		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of :

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 2
- ☒ as suggested by the applicant.
- ☐ as selected by this Authority, because the applicant failed to suggest a figure.
- ☐ as selected by this Authority, because this figure better characterizes the invention.
- b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/086566**A. CLASSIFICATION OF SUBJECT MATTER***C11D 13/18(2006.01)i*

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC C11D 13/18

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean Utility models and applications for Utility models since 1975

Japanese Utility models and applications for Utility models since 1975

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

KOMPASS (KIPO Internal) "extrusion" "soap" "extruder" "screw" "impeller"

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2007/0167339 A1, (Richard A. Birch and Femi Durosinmi-Etti), 19 Jul. 2007 (19.07.2007) see sections [0124] to [0145]	1-18
A	US 2001/0036466 A1, (Veronique Roulier, et. al.), 01 Nov. 2001 (01.11.2001) see claims 1-5	1-18
A	US 2005/0113482 A1, (Raymond W. Wong, et. al.), 26 May 2005 (26.05.2005) see columns [0079] to [0095]	1-18



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

27 AUGUST 2009 (27.08.2009)

Date of mailing of the international search report

28 AUGUST 2009 (28.08.2009)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

LEE, Young Jae

Telephone No. 82-42-481-8305



INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2008/086566

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2007-0167339 A1	19.07.2007	EP 1694809 A1 WO 2005-059081 A1	30.08.2006 30.06.2005
US 2001-0036466 A1	01.11.2001	CN 1215325 A EP 0923367 B1 JP 03-110051 B2 JP 11-502867 A KR 10-0327290 B1 US 06045814 A US 06261579 B1 US 06447792 B2 WO 1997-017055 A1	28.04.1999 19.12.2001 14.09.2000 09.03.1999 25.10.2002 04.04.2000 17.07.2001 10.09.2002 15.05.1997
US 2005-0113482 A1	26.05.2005	EP 1535974 A1 JP 2005-154773 A US 07186762 B2	01.06.2005 16.06.2005 06.03.2007

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 8006-00-WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2008/086566	International filing date (<i>day/month/year</i>) 12 December 2008 (12.12.2008)	Priority date (<i>day/month/year</i>)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant COLGATE-PALMOLIVE COMPANY		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 14 June 2011 (14.06.2011) Authorized officer <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Simin Baharlou</div> e-mail: pt09.pct@wipo.int
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: MORGAN MICHAEL F. COLGATE-PALMOLIVE COMPANY 909 RIVER ROAD, PO BOX 1343 PISCATAWAY NJ 08854 USA
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 28 AUGUST 2009 (28.08.2009)	
Applicant's or agent's file reference 8006-00-WO	FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US2008/086566	International filing date (day/month/year) 12 DECEMBER 2008 (12.12.2008)
Priority date(day/month/year)	
International Patent Classification (IPC) or both national classification and IPC <i>C11D 13/18(2006.01)i</i>	
Applicant COLGATE-PALMOLIVE COMPANY et al	

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
☐ Box No. II Priority
☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐ Box No. IV Lack of unity of invention
☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐ Box No. VI Certain documents cited
☐ Box No. VII Certain defects in the international application
☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140	Date of completion of this opinion 27 AUGUST 2009 (27.08.2009)	Authorized officer LEE, Young Jae Telephone No. 82-42-481-8305
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2008/086566

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2008/086566

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-18	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-18	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims	None	NO

2. Citations and explanations :

A. Reference is made to the following documents:

D1: US 2007/0167339 A1, (Richard A. Birch and Femi Durosinmi-Etti), 19 Jul. 2007 (19.07.2007)

D2: US 2001/0036466 A1, (Veronique Roulier, et. al.), 01 Nov. 2001 (01.11.2001)

D3: US 2005/0113482 A1, (Raymond W. Wong, et. al.), 26 May 2005 (26.05.2005)

B. Reasoned statement with regard to novelty and inventive step:

The prior art document D1 discloses a process for the production of particles comprising at least one core of core material containing perfume absorbed therein, the core being coated with at least one water-soluble encapsulating material that is impervious to the said perfume.

D2 discloses the use in cosmetics of rigid gels containing at least 20% by weight of one or more water-soluble or hydrophilic gelling agent(s) which may be obtained from the said water-soluble or hydrophilic gelling agent in the presence of water by mixing, blending, compression and extrusion in a twin-screw extruder.

D3 discloses a process for preparing a phase change ink composition which comprises (a) a phase change ink carrier, said carrier comprising at least one nonpolar component and at least one polar component, and (b) pigment particles.

(cont'd on the next page.)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2008/086566

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of :

Box No. V

The subject matters of claims 1 and 11 disclose a process for producing a solid soap and a multiphase bar soap, respectively. Claim 1 discloses an extrusion process comprising feeding a soap composition into an extruder having a housing with an inlet and an outlet, and claim 11 describes a process for a multiphase bar soap including a stream with a primary soap phase in at least one refiner and then into a plodder. The subject matters of claims 1 and 11 differ from there prior art document in that the use of screw impeller traversing the extruder (claim 1) and extruding the stream including the primary soap phase and the at-least-one secondary soap phase (claim 11).

And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claims 1 and 11 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-10 and 11-18 are dependent claims of claims 1 and 11, respectively, and therefore meet the requirements of PCT Article 33(2) and (3).

C. Reasoned statement with regard to industrial applicability:

Claims 1-18 meet the criteria set out in PCT Article 33(4), because all the claims are considered to be industrially applicable.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

DEC 06 2011

OFFICE OF PETITIONS

**COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855**

In re Application of	:	DECISION ON REQUEST TO
Liem Duc VU	:	PARTICIPATE IN PCT-PPH PROGRAM
Application No. 13/139,093	:	AND PETITION TO MAKE SPECIAL
Filed: June 10, 2011	:	UNDER 37 CFR 1.102(a)
Atty. Docket No.: 8006-00-PC	:	
For: TAPERED SCREW EXTRUSION	:	
PROCESS FOR MAKING SOAP	:	
WITH A SECOND PHASE	:	

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and petition under 37 CFR 1.102(a), filed November 9, 2011, to make the above-identified application special.

The request is **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:


- (1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

- (5) examination of the U.S. application has not begun;
- (6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;
- (7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and
- (8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 1742 for action on the merits commensurate with this decision once the application's formality reviews have been completed.


David Buccia
Petitions Examiner
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	To be assigned	Filing date:	Filed concurrently herewith
First Named Inventor:	Mario MAGALDI		

Title of the
Invention: **EXTRACTING AND COOLING SYSTEM FOR LARGE FLOWS OF HEAVY ASHES WITH EFFICIENCY** 

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/IB2009/055604

The international date of the corresponding PCT application(s) is/are: December 9, 2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE EPO AND THE USPTO**

(continued)

Application No.: To be assigned

First Named Inventor: Mario MAGALDI

- d. (1)
- An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**



Is attached



Has already been filed in the above-identified U.S. application on _____

- (2)
- Copies of all documents (except) for U.S. patents or U.S. patent application publications)**



Are attached.



Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Minor linguistic differences from PCT-1
2	2	Minor linguistic differences from PCT-2
3	3	US-3 amended to remove dependency on claim 2
4	4	US-4 amended to remove dependency on claims 2 & 3
5	5	Minor linguistic differences from PCT-5
6	6	Minor linguistic differences from PCT-6
7	7	US-7 amended to remove dependency on claims 2-6
8	8	US-8 amended to remove dependency on claims 2-7
9	9	US-9 amended to remove dependency on claims 2-8
10	10	US-10 amended to remove dependency on claims 2-9
11	11	Minor linguistic differences from PCT-11
12	12	US-12 amended to remove dependency on claims 2-11
13	13	US-13 amended to remove dependency on claims 2-12
14	14	US-14 amended to remove dependency on claims 2-13
15	15	US-15 amended to remove dependency on claims 2-14
16	16	US-16 amended to remove dependency on claim 14
17	17	US-17 amended to remove dependency on claims 2-16
18	18	Minor linguistic differences from PCT-18
Cont'd	Cont'd	(Continued on enclosed Claims Correspondence Table)

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Alessandro Steinf, Reg. No. 56,448/	Date June 10, 2011
Name (Print/Typed) Alessandro Steinf	Registration Number 56,448

Claims Correspondence Table

(continued)

Application No.: To be assigned

First Named Inventor: Mario MAGALDI

Attorney Docket No.: P829-US

II. Claims Correspondence Table (continued):

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
19	19	Minor linguistic differences from PCT-19
20	20	US-20 amended to remove dependency on claims 18 & 19
21	21	US-21 amended to remove dependency on claims 2-20
22	22	Minor linguistic differences from PCT-22
23	23	Minor linguistic differences from PCT-23
24	24	US-24 amended to remove dependency on claim 23
25	25	US-25 amended to remove dependency on claims 23 and 24
26	26	US-26 amended to remove dependency on claims 23-25
27	27	Minor linguistic differences from PCT-27
28	28	Minor linguistic differences from PCT-28
29	29	US-29 amended to remove dependency on claims 23-28
30	30	US-30 amended to remove dependency on claims 23-29
31	31	US-31 amended to remove dependency on claims 23-30
32	32	US-32 amended to remove dependency on claims 23-31
33	33	Minor linguistic differences from PCT-33
34	34	US-34 amended to remove dependency on claims 23-33
35	35	US-35 amended to remove dependency on claims 23-34
36	36	US-36 amended to remove dependency on claims 23-35
37	37	US-37 amended to remove dependency on claims 23-36
38	38	US-38 amended to remove dependency on claim 37
39	39	US-39 amended to remove dependency on claims 23-38
40	40	Minor linguistic differences from PCT-40
41	41	US-41 amended to remove dependency on claims 23-40



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/139,134	08/25/2011	Mario Magaldi	P829-US	8071
72932	7590	10/21/2011	EXAMINER	
Steinfl & Bruno 301 N Lake Ave Ste 810 Pasadena, CA 91101			ART UNIT	PAPER NUMBER
			3743	
			MAIL DATE	DELIVERY MODE
			10/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re Application of:
MAGALDI, MARIO et al
Serial No.: 13/139,134
Filed: 06/10/2011
Attorney Docket No. : P829-US

Title: EXTRACTING AND COOLING
SYSTEM FOR LARGE FLOWS OF
HEAVY ASHES WITH EFFICIENCY
INCREASE

: DECISION ON A REQUEST TO
: PARTICIPATE IN PATENT
: PCT/PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 10, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the IPAU, JPO, EPO, KIPO, or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

**BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE., N.W.
WASHINGTON DC 20036-5304**

Applicant: Zheng Liu et al

Appl. No.: 13/139,156

International Filing Date: December 10, 2009

Title: PHENYLPYRIMIDONE COMPOUNDS, THE PHARMACEUTICAL
COMPOSITIONS, PREPARATION METHODS AND USES THEREOF

Attorney Docket: 56816.21500

Pub. No.: US 20110301109 A1

Pub. Date: December 8, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 3, 2012, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on June 10, 2011 was not included in the publication. Applicant also request republication of the assignee data.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under § 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

Also, the problem with the assignee date is not a material error since assignee data does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Applicant request waiver of the Petition Fee of \$130.00 and the Publication Fee of \$300.00. However, a petition under 37 CFR 1.221(b) requires no fee.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/139,156	08/24/2011	Zheng Liu	56816.21500	8195

30734	7590	03/30/2012
BAKER & HOSTETLER LLP		
WASHINGTON SQUARE, SUITE 1100		
1050 CONNECTICUT AVE. N.W.		
WASHINGTON, DC 20036-5304		

EXAMINER	
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ART UNIT	PAPER NUMBER
1623	

NOTIFICATION DATE	DELIVERY MODE
03/30/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@bakerlaw.com



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BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON DC 20036-5304

Applicant: Liu et al.
Appl. No.: 13/139,156
Filing Date: August 24, 2011
Title: PHENYLPYRIMIDONE COMPOUNDS, THE PHARMACEUTICAL
COMPOSITIONS, PREPARATION METHODS AND USES THEREOF
Attorney Docket No.: 56816.21500
Pub. No.: US 2011/0301109 A1
Pub. Date: December 8, 2011

This is a decision on the second request for republication of patent application publication under 37 CFR 1.221(a), filed on March 20, 2012, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the applicant submitted the papers via the US postal service and not via the Office electronic filing system. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

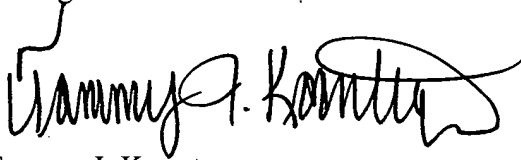
The applicant is also reminded that any amendments that are to be included in the publication must be incorporated into a clean specification and claims set.

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

A handwritten signature in black ink, appearing to read "Tammy J. Koontz", with a stylized flourish at the end.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	13/139,211	Filing Date:	2011-06-10
First Named Inventor:	Junji Toma et al.		
Attorney Docket No.:	110678		

Title of the
Invention: ROUTE SEARCHING SYSTEM, ROUTE SEARCHING SERVER AND ROUTE SEARCHING METHOD

THIS REQUEST FOR PARTICIPATION IN THE PPH PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EF5_HELP.HTML](http://www.uspto.gov/EBC/efs_help.html).

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application and the corresponding JPO application(s) have the same priority/filing date.

The JPO application number(s) is/are: PCT/JP2008/072689

The filing date of the JPO application(s) is/are: December 12, 2008

I. List of Required Documents:

- a. **A copy of the latest JPO office actions (other than "Decision to Grant a Patent"*) in the above-identified JPO application(s)**

☐ Is attached.

☒ Is not attached because the JPO application was allowed in a first office action.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

- b. **A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s)**

☒ Is attached.

- c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language). An accuracy statement for the English translation of the documents in a. above is not required if the English translation is a machine translation provided by the JPO.**

- d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on

June 10, 2011

- (2) Copies of all documents (except for U.S. patents or U.S. patent application publications)**

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on

June 10, 2011

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH)
BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO
(continued)

Application No.: 13/139,211

First Named Inventor: Junji Toma et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JPO Application	Explanation regarding the correspondence
1	1	Identical
2	2	Identical
3	3	Identical
4	4	Identical
5	5	Identical
6	6	Identical
7	7	Identical
8	8	Identical
9	9	Identical
10	10	Identical
11	11	Identical
12	12	Identical
13	13	Identical
14	14	Identical
15	15	Identical
16	16	Identical
17	17	Identical
18	18	Identical

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.

Signature /Ken-Ichi Hattori/	Date 2011-09-02
Name (Print/Typed) Ken-Ichi Hattori	Registration Number 32,861

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

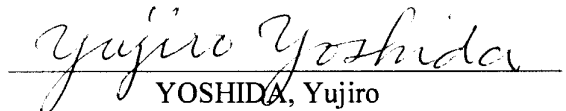
1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

VERIFICATION OF TRANSLATION

I, YOSHIDA Yujiro of WIN TECH Patent Office at 7th Fl., Uchikanda-Shibuya Bldg., 16-11, Uchikanda 2-chome, Chiyoda-ku, Tokyo 101-0047 JAPAN, do hereby declare that I am familiar with the English language and Japanese language, and that the attached document in the English claims are the full and faithful translation of the Japanese claims filed in the Japan Patent Office on December 12, 2008 as PCT Application No.: PCT/JP2008/072689.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 17, 2011


YOSHIDA, Yujiro

Verified Translation of Allowed Claims

PCT/JP2008/072689

1. A route-searching system having route-searching network data memory means for storing transportation network data made of nodes and links connecting the nodes, point setting means for setting a departure point and a destination point, and route-searching means for searching for a route from the departure point to the destination point using the transportation network data, the route-searching system characterized in that

the route-searching system comprises time zone data memory means for storing time zone information which is associated with the nodes constituting the transportation network and to which the nodes belong; reference-time time table data memory means for storing reference-time time table data which is time table data of a transportation system, and which is created using a predetermined reference time irrespective of the time zone to which the node belongs; time zone determination means for determining the time zone to which the departure point or the destination point belongs; and time conversion means, wherein

the route-searching means searches for a route from the departure point to the destination point on the basis of the transportation network data and the reference-time time table data; and the time conversion means converts the time data of the searched route into guidance route data on the basis of

the time zone to which the departure point or the destination point belongs.

2. The route-searching system according to claim 1, characterized in that the route-searching system comprises node retrieval means for retrieving the closest node, which is nearest in distance from a point set by the point setting means; the time zone determination means is configured so as to include closest node time zone acquisition means for referencing time zone data stored in the time zone data memory means and acquiring the time zone of the closest node retrieved by the node retrieval means; and, in a case that a point other than the node has been set as the departure point or the destination point, the point setting means determines the time zone of the closest node acquired by the closest node time zone acquisition means to be the time zone of the point thus set.

3. The route-searching system according to claim 1, characterized in that the route-searching system comprises node retrieval means for retrieving a nearby node, which is in a position relatively near to the point set by the point setting means; the time zone determination means is configured so as to include nearby-node time zone acquisition means for referencing time zone data stored in the time zone data memory means and acquiring the time zone of a nearby node retrieved by the node retrieval means; and, in a case that a point other than the node has been set as the departure point or the destination point, the point setting means determines the time

zone that is most numerous among the time zones of the nearby nodes acquired by the nearby-node time zone acquisition means to be the time zone of the point thus set.

4. The route-searching system according to claim 2, characterized in that the route-searching system comprises node retrieval means and node extraction means, the node retrieval means retrieving the closest node and retrieving a nearby node, which is in a position relatively near to the point set by the point setting means; the node extraction means compares the time zone of the nearby node retrieved by the node retrieval means and the time zone of the point determined by the time zone determination means, and extracts the nearby node that belongs to the same time zone as the time zone of the point determined by the time zone determination means; and the route-searching means carries out a route search using the nearby node extracted by the node extraction means as the starting point or end point of a route interval search that makes use of the transportation network.

5. The route-searching system according to claim 3, characterized in that the route-searching system comprises node extraction means, wherein the node extraction means compares the time zone of the nearby node retrieved by the node retrieval means and the time zone of the point determined by the time zone determination means, and extracts a nearby node that belongs to the same time zone as the time zone of the point determined by the time zone determination means; and the route-searching means carries out a route search using the

nearby node extracted by the node extraction means as the starting point or end point of a route interval search that makes use of the transportation network.

6. The route-searching system according to claim 1, characterized in that the route-searching system comprises node retrieval means for retrieving a nearby node within a predetermined distance range relatively near to the point set by the point setting means; and the route-searching means carries out a route search in which all nearby nodes retrieved by the node retrieval means are used as the starting point or end point of a route interval search that makes use of the transportation network.

7. A route-searching server having route-searching network data memory means for storing transportation network data made of nodes and links joining the nodes, point setting means for setting a departure point and a destination point, and route-searching means for searching for a route from the departure point to the destination point using the transportation network data, the route-searching server characterized in that

the route-searching server comprises time zone data memory means for storing time zone information which is associated with the nodes constituting the transportation network and to which the nodes belong; reference-time time table data memory means for storing reference-time time table data, which is time table data of a transportation system and which is created using a predetermined reference time

irrespective of the time zone to which the node belongs; time zone determination means for determining the time zone to which the departure point or the destination point belongs; and time conversion means, wherein

the route-searching means searches for a route from the departure point to the destination point on the basis of the transportation network data and the reference-time time table data; and the time conversion means converts the time data of the route thus searched into guidance route data on the basis of the time zone to which the departure point or the destination point belongs.

8. The route-searching server according to claim 7, characterized in that the route-searching server comprises node retrieval means for retrieving the closest node, which is nearest in distance from a point set by the point setting means; the time zone determination means is configured so as to include closest node time zone acquisition means for referencing time zone data stored in the time zone data memory means and acquiring the time zone of the closest node retrieved by the node retrieval means; and, in a case that a point other than the node has been set as the departure point or the destination point, the point setting means determines the time zone of the closest node acquired by the closest node time zone acquisition means to be the time zone of the point thus set.

9. The route-searching server according to claim 7, characterized in that the route-searching server comprises

node retrieval means for retrieving a nearby node, which is in a position relatively near to the point set by the point setting means; the time zone determination means is configured so as to include nearby-node time zone acquisition means for referencing time zone data stored in the time zone data memory means and acquiring the time zone of the nearby node retrieved by the node retrieval means; and, in a case that a point other than the node has been set as the departure point or the destination point, the point setting means determines the time zone that is most numerous among the time zones of the nearby nodes acquired by the nearby-node time zone acquisition means to be the time zone of the point thus set.

10. The route-searching server according to claim 8, characterized in that the route-searching server comprises node retrieval means and node extraction means, the node retrieval means retrieving the closest node and retrieving a nearby node, which is in a position relatively near to the point set by the point setting means; the node extraction means compares the time zone of the nearby node retrieved by the node retrieval means and the time zone of the point determined by the time zone determination means, and extracts the nearby node that belongs to the same time zone as the time zone of the point determined by the time zone determination means; and the route-searching means carries out a route search using the nearby node extracted by the node extraction means as the starting point or end point of a route interval search that makes use of the transportation network.

11. The route-searching server according to claim 9, characterized in that the route-searching server comprises node extraction means, wherein the node extraction means compares the time zone of the nearby node retrieved by the node retrieval means and the time zone of the point determined by the time zone determination means, and extracts a nearby node that belongs to the same time zone as the time zone of the point determined by the time zone determination means; and the route-searching means carries out a route search using the nearby node extracted by the node extraction means as the starting point or end point of a route interval search that makes use of the transportation network.

12. The route-searching server according to claim 7, characterized in that the route-searching server comprises node retrieval means for retrieving a nearby node, which is within a predetermined distance range relatively near to the point set by the point setting means; and the route-searching means carries out a route search in which all nearby nodes retrieved by the node retrieval means are used as the starting point or end point of a route interval search that makes use of the transportation network.

13. A route-searching method in a route-searching server having route-searching network data memory means for storing transportation network data made of nodes and links connecting the nodes, point setting means for setting a departure point and a destination point, and route-searching means for searching for a route from the departure point to the

destination point using the transportation network data, the route-searching method characterized in comprising:

the route-searching server having time zone data memory means for storing time zone information which is associated with the nodes constituting the transportation network and to which the nodes belong; reference-time time table data memory means for storing reference-time time table data which is time table data of a transportation system and which is created using a predetermined reference time without dependence on the time zone to which the node belongs; time zone determination means for determining the time zone to which the departure point or the destination point belongs; and time conversion means;

a step in which the route-searching means searches for a route from the departure point to the destination point on the basis of the transportation network data and the reference-time time table data; and

a step in which the time conversion means converts the time data of the route thus searched into guidance route data on the basis of the time zone to which the departure point or the destination point belongs.

14. The route-searching method according to claim 13, characterized in comprising:

the route-searching server having node retrieval means for retrieving the closest node, which is nearest in distance from a point set by the point setting means;

the time zone determination means being configured so as to include closest node time zone acquisition means for referencing time zone data stored in the time zone data memory means and acquiring the time zone of the closest node retrieved by the node retrieval means; and

a step in which, in a case that a point other than the node has been set as the departure point or the destination point, the point setting means determines the time zone of the closest node acquired by the closest node time zone acquisition means to be the time zone of the point thus set.

15. The route-searching method according to claim 13, characterized in comprising:

the route-searching server having node retrieval means for retrieving a nearby node, which is in a position relatively near to the point set by the point setting means;

the time zone determination means being configured so as to include nearby-node time zone acquisition means for referencing time zone data stored in the time zone data memory means and acquiring the time zone of the nearby node retrieved by the node retrieval means;

a step in which, in a case that a point other than the node has been set as the departure point or the destination point, the point setting means determines the time zone that is most numerous among the time zones of the nearby nodes acquired by the nearby-node time zone acquisition means to be the time zone of the point thus set.

16. The route-searching method according to claim 14, characterized in comprising:

the route-searching server having node retrieval means and node extraction means, the node retrieval means retrieving the closest node and retrieving a nearby node in a position relatively near to the point set by the point setting means;

a step in which the node extraction means compares the time zone of the nearby node retrieved by the node retrieval means and the time zone of the point determined by the time zone determination means, and extracts the nearby node that belongs to the same time zone as the time zone of the point determined by the time zone determination means; and

a step in which the route-searching means carries out a route search using the nearby node extracted by the node extraction means as the starting point or end point of a route interval search that makes use of the transportation network.

17. The route-searching method according to claim 15, characterized in comprising:

the route-searching server having node extraction means;

a step in which the node extraction means compares the time zone of the nearby node retrieved by the node retrieval means and the time zone of the point determined by the time zone determination means, and extracts a nearby node that belongs to the same time zone as the time zone of the point determined by the time zone determination means; and

a step in which the route-searching means carries out a route search using the nearby node extracted by the node

extraction means as the starting point or end point of a route interval search that makes use of the transportation network.

18. The route-searching method according to claim 13, characterized in comprising:

the route-searching server having node retrieval means for retrieving a nearby node within a predetermined distance range relatively near to the point set by the point setting means; and

a step in which the route-searching means carries out a route search in which all nearby nodes retrieved by the node retrieval means are used as the starting point or end point of a route interval search that makes use of the transportation network.

請求の範囲

- [1] ノードとノード間を繋ぐリンクとで構成された交通ネットワークデータを記憶する経路探索用ネットワークデータ記憶手段と、出発地点および目的地点を設定するための地点設定手段と、前記交通ネットワークデータを用いて前記出発地点から目的地点までの経路探索を行う経路探索手段と、を備えた経路探索システムにおいて、
- 前記経路探索システムは、前記交通ネットワークを構成する各ノードに対応付けて該ノードが属するタイムゾーンの情報を記憶するタイムゾーンデータ記憶手段と、交通機関の時刻表データであって、ノードの属するタイムゾーンによらず、所定の基準時刻を用いて作成した基準時刻表データを記憶する基準時刻表データ記憶手段と、前記出発地点または目的地点の属するタイムゾーンを決定するタイムゾーン決定手段と、時刻変換手段と、を備え、
- 前記経路探索手段は、前記交通ネットワークデータと前記基準時刻表データに基づいて、前記出発地点から目的地点までの経路を探索し、前記時刻変換手段は、前記出発地点または目的地点の属するタイムゾーンに基づいて、前記探索した経路の時刻データを変換して案内経路データとすることを特徴とする経路探索システム。
- [2] 前記経路探索システムは、前記地点設定手段によって設定された地点から最も近い距離にある最短ノードを検索するノード検索手段を備え、前記タイムゾーン決定手段は、前記タイムゾーンデータ記憶手段に記憶されたタイムゾーンデータを参照して前記ノード検索手段により検索された最短ノードのタイムゾーンを取得する最短ノードタイムゾーン取得手段を含んで構成され、前記地点設定手段が、出発地点または目的地点として前記ノード以外の地点を設定した場合に、前記最短ノードタイムゾーン取得手段が取得した最短ノードのタイムゾーンを、前記設定した地点のタイムゾーンとして決定することを特徴とする請求項1に記載の経路探索システム。
- [3] 前記経路探索システムは、前記地点設定手段によって設定された地点から相対的に近い位置にある近傍ノードを検索するノード検索手段を備え、前記タイムゾーン決定手段は、前記タイムゾーンデータ記憶手段に記憶されたタイムゾーンデータを参照して前記ノード検出手段により検索された近傍ノードのタイムゾーンを取得する近傍ノードタイムゾーン取得手段を含んで構成され、前記地点設定手段が、出発地点また

は目的地点として前記ノード以外の地点を設定した場合に、前記近傍ノードタイムゾーン取得手段が取得した近傍ノードのタイムゾーンのうち最も多数を占めるタイムゾーンを、前記設定した地点のタイムゾーンとして決定することを特徴とする請求項1に記載の経路探索システム。

- [4] 前記経路探索システムは、前記ノード検索手段は、前記最短ノードを検索するとともに、前記地点設定手段によって設定された地点から相対的に近い位置にある近傍ノードを検索するノード検索手段と、ノード抽出手段と、を備え、前記ノード抽出手段は、前記ノード検索手段が検索した近傍ノードのタイムゾーンと、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンとを比較し、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンと同一のタイムゾーンに属する近傍ノードを抽出し、前記経路探索手段は、前記ノード抽出手段によって抽出された近傍ノードを、前記交通ネットワークを用いた経路区間の探索の起点または終点として経路探索することとを特徴とする請求項2に記載の経路探索システム。
- [5] 前記経路探索システムは、ノード抽出手段を備え、前記ノード抽出手段は、前記ノード検索手段が検索した近傍ノードのタイムゾーンと、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンとを比較し、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンと同一のタイムゾーンに属する近傍ノードを抽出し、前記経路探索手段は、前記ノード抽出手段によって抽出された近傍ノードを、前記交通ネットワークを用いた経路区間の探索の起点または終点として経路探索することとを特徴とする請求項3に記載の経路探索システム。
- [6] 前記経路探索システムは、前記地点設定手段によって設定された地点から相対的に近い所定の距離範囲内にある近傍ノードを検索するノード検索手段を備え、前記経路探索手段は、前記ノード検索手段によって検索された全ての近傍ノードを、前記交通ネットワークを用いた経路区間の探索の起点または終点として経路探索することとを特徴とする請求項1に記載の経路探索システム。
- [7] ノードとノード間を繋ぐリンクとで構成された交通ネットワークデータを記憶する経路探索用ネットワークデータ記憶手段と、出発地点および目的地点を設定するための地点設定手段と、前記交通ネットワークデータを用いて前記出発地点から目的地点

までの経路探索を行う経路探索手段と、を備えた経路探索サーバにおいて、

前記経路探索サーバは、前記交通ネットワークを構成する各ノードに対応付けて該ノードが属するタイムゾーンの情報を記憶するタイムゾーンデータ記憶手段と、交通機関の時刻表データであって、ノードの属するタイムゾーンによらず、所定の基準時刻を用いて作成した基準時時刻表データを記憶する基準時時刻表データ記憶手段と、前記出発地点または目的地点の属するタイムゾーンを決定するタイムゾーン決定手段と、前記時刻変換手段と、を備え、

前記経路探索手段は、前記交通ネットワークデータと前記基準時時刻表データに基づいて、前記出発地点から目的地点までの経路を探索し、前記時刻変換手段は、前記出発地点または目的地点の属するタイムゾーンに基づいて、前記探索した経路の時刻データを変換して案内経路データとすることを特徴とする経路探索サーバ。

- [8] 前記経路探索サーバは、前記地点設定手段によって設定された地点から最も近い距離にある最短ノードを検索するノード検索手段を備え、前記タイムゾーン決定手段は、前記タイムゾーンデータ記憶手段に記憶されたタイムゾーンデータを参照して前記ノード検索手段により検索された最短ノードのタイムゾーンを取得する最短ノードタイムゾーン取得手段を含んで構成され、前記地点設定手段が、出発地点または目的地点として前記ノード以外の地点を設定した場合に、前記最短ノードタイムゾーン取得手段が取得した最短ノードのタイムゾーンを、前記設定した地点のタイムゾーンとして決定することを特徴とする請求項7に記載の経路探索サーバ。

- [9] 前記経路探索サーバは、前記地点設定手段によって設定された地点から相対的に近い位置にある近傍ノードを検索するノード検索手段を備え、前記タイムゾーン決定手段は、前記タイムゾーンデータ記憶手段に記憶されたタイムゾーンデータを参照して前記ノード検出手段により検索された近傍ノードのタイムゾーンを取得する近傍ノードタイムゾーン取得手段を含んで構成され、前記地点設定手段が、出発地点または目的地点として前記ノード以外の地点を設定した場合に、前記近傍ノードタイムゾーン取得手段が取得した近傍ノードのタイムゾーンのうち最も多数を占めるタイムゾーンを、前記設定した地点のタイムゾーンとして決定することを特徴とする請求項7に記載の経路探索サーバ。

- [10] 前記経路探索サーバは、前記ノード検索手段は、前記最短ノードを検索するとともに、前記地点設定手段によって設定された地点から相対的に近い位置にある近傍ノードを検索するノード検索手段と、ノード抽出手段と、を備え、前記ノード抽出手段は、前記ノード検索手段が検索した近傍ノードのタイムゾーンと、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンとを比較し、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンと同一のタイムゾーンに属する近傍ノードを抽出し、前記経路探索手段は、前記ノード抽出手段によって抽出された近傍ノードを、前記交通ネットワークを用いた経路区間の探索の起点または終点として経路探索することとを特徴とする請求項8に記載の経路探索サーバ。
- [11] 前記経路探索サーバは、ノード抽出手段を備え、前記ノード抽出手段は、前記ノード検索手段が検索した近傍ノードのタイムゾーンと、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンとを比較し、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンと同一のタイムゾーンに属する近傍ノードを抽出し、前記経路探索手段は、前記ノード抽出手段によって抽出された近傍ノードを、前記交通ネットワークを用いた経路区間の探索の起点または終点として経路探索することとを特徴とする請求項9に記載の経路探索サーバ。
- [12] 前記経路探索サーバは、前記地点設定手段によって設定された地点から相対的に近い所定の距離範囲内にある近傍ノードを検索するノード検索手段を備え、前記経路探索手段は、前記ノード検索手段によって検索された全ての近傍ノードを、前記交通ネットワークを用いた経路区間の探索の起点または終点として経路探索することとを特徴とする請求項7に記載の経路探索サーバ。
- [13] ノードとノード間を繋ぐリンクとで構成された交通ネットワークデータを記憶する経路探索用ネットワークデータ記憶手段と、出発地点および目的地点を設定するための地点設定手段と、前記交通ネットワークデータを用いて前記出発地点から目的地点までの経路探索を行う経路探索手段と、を備えた経路探索サーバにおける経路探索方法において、
前記経路探索サーバは、前記交通ネットワークを構成する各ノードに対応付けて該ノードが属するタイムゾーンの情報を記憶するタイムゾーンデータ記憶手段と、交通

機関の時刻表データであって、ノードの属するタイムゾーンによらず、所定の基準時刻を用いて作成した基準時時刻表データを記憶する基準時時刻表データ記憶手段と、前記出発地点または目的地点の属するタイムゾーンを決定するタイムゾーン決定手段と、時刻変換手段と、を備え、

前記経路探索手段が、前記交通ネットワークデータと前記基準時時刻表データに基づいて、前記出発地点から目的地点までの経路を探索するステップと、時刻変換手段が、前記出発地点または目的地点の属するタイムゾーンに基づいて、前記探索した経路の時刻データを変換して案内経路データとするステップと、を有することを特徴とする経路探索方法。

[14] 前記経路探索サーバは、前記地点設定手段によって設定された地点から最も近い距離にある最短ノードを検索するノード検索手段を備え、前記タイムゾーン決定手段は、前記タイムゾーンデータ記憶手段に記憶されたタイムゾーンデータを参照して前記ノード検索手段により検索された最短ノードのタイムゾーンを取得する最短ノードタイムゾーン取得手段を含んで構成され、前記地点設定手段が、出発地点または目的地点として前記ノード以外の地点を設定した場合に、前記最短ノードタイムゾーン取得手段が取得した最短ノードのタイムゾーンを、前記設定した地点のタイムゾーンとして決定するステップを有することを特徴とする請求項13に記載の経路探索方法。

[15] 前記経路探索サーバは、前記地点設定手段によって設定された地点から相対的に近い位置にある近傍ノードを検索するノード検索手段を備え、前記タイムゾーン決定手段は、前記タイムゾーンデータ記憶手段に記憶されたタイムゾーンデータを参照して前記ノード検出手段により検索された近傍ノードのタイムゾーンを取得する近傍ノードタイムゾーン取得手段を含んで構成され、前記地点設定手段が、出発地点または目的地点として前記ノード以外の地点を設定した場合に、前記近傍ノードタイムゾーン取得手段が取得した近傍ノードのタイムゾーンのうち最も多数を占めるタイムゾーンを、前記設定した地点のタイムゾーンとして決定するステップを有することを特徴とする請求項13に記載の経路探索方法。

[16] 前記経路探索サーバは、前記ノード検索手段は、前記最短ノードを検索するとともに、前記地点設定手段によって設定された地点から相対的に近い位置にある近傍ノ

ードを検索するノード検索手段と、ノード抽出手段と、を備え、前記ノード抽出手段が、前記ノード検索手段が検索した近傍ノードのタイムゾーンと、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンとを比較し、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンと同一のタイムゾーンに属する近傍ノードを抽出するステップと、経路探索手段が、前記ノード抽出手段によって抽出された近傍ノードを、前記交通ネットワークを用いた経路区間の探索の起点または終点として経路探索するステップとを、有することを特徴とする請求項14に記載の経路探索方法。

- [17] 前記経路探索サーバは、ノード抽出手段を備え、前記ノード抽出手段が、前記ノード検索手段が検索した近傍ノードのタイムゾーンと、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンとを比較し、前記タイムゾーン決定手段が決定した前記地点のタイムゾーンと同一のタイムゾーンに属する近傍ノードを抽出するステップと、経路探索手段が、前記ノード抽出手段によって抽出された近傍ノードを、前記交通ネットワークを用いた経路区間の探索の起点または終点として経路探索するステップと、を有することを特徴とする請求項15に記載の経路探索方法。

- [18] 前記経路探索サーバは、前記地点設定手段によって設定された地点から相対的に近い所定の距離範囲内にある近傍ノードを検索するノード検索手段を備え、前記経路探索手段が、前記ノード検索手段によって検索された全ての近傍ノードを、前記交通ネットワークを用いた経路区間の探索の起点または終点として経路探索するステップを有することを特徴とする請求項13に記載の経路探索方法。

PATENT COOPERATION TREATY

PCT/JP2008/072689

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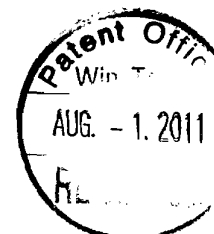
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16-11, Uchikanda 2-chome
Chiyoda-ku, Tokyo
1010047
JAPON



Date of mailing (day/month/year) 14 July 2011 (14.07.2011)	
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International application No. PCT/JP2008/072689	International filing date (day/month/year) 12 December 2008 (12.12.2008)
Applicant NAVITIME JAPAN CO., LTD. et al	

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



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The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Masashi Honda

Facsimile No. +41 22 338 82 70

e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

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Applicant's or agent's file reference JJP08-2883	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2008/072689	International filing date (<i>day/month/year</i>) 12 December 2008 (12.12.2008)	Priority date (<i>day/month/year</i>)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant NAVITIME JAPAN CO., LTD.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	<p>This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 25%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Date of issuance of this report 14 June 2011 (14.06.2011)</td> <td style="width: 50%;">Authorized officer</td> </tr> <tr> <td></td> <td style="text-align: center;">Masashi Honda</td> </tr> <tr> <td colspan="2">e-mail: pt08.pct@wipo.int</td> </tr> </table>	Date of issuance of this report 14 June 2011 (14.06.2011)	Authorized officer		Masashi Honda	e-mail: pt08.pct@wipo.int	
Date of issuance of this report 14 June 2011 (14.06.2011)	Authorized officer						
	Masashi Honda						
e-mail: pt08.pct@wipo.int							

特許協力条約

発信人 日本国特許庁（国際調査機関）

代理人 特許業務法人ウィンテック あて名 〒101-0047 日本国東京都千代田区内神田二丁目16番11号 内神田渋谷ビル7階		様		PCT 国際調査機関の見解書 （法施行規則第40条の2） [PCT規則43の2.1]	
		発送日 （日.月.年）		13.01.2009	
出願人又は代理人 の書類記号 JJP08-2883		今後の手続きについては、下記2を参照すること。			
国際出願番号 PCT/J P 2008/072689	国際出願日 （日.月.年） 12.12.2008		優先日 （日.月.年）		
国際特許分類（IPC）Int.Cl. B61L25/02(2006.01)i, G01C21/00(2006.01)i					
出願人（氏名又は名称） 株式会社ナビタイムジャパン					

1. この見解書は次の内容を含む。

- ☒ 第I欄 見解の基礎
- ☐ 第II欄 優先権
- ☐ 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第IV欄 発明の単一性の欠如
- ☒ 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第VI欄 ある種の引用文献
- ☐ 第VII欄 国際出願の不備
- ☐ 第VIII欄 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から2月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日 05.01.2009			
名称及びあて先 日本国特許庁（ISA/J P） 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号		特許庁審査官（権限のある職員） 白石 剛史	3H 3725
		電話番号 03-3581-1101 内線 3316	

様式PCT/ISA/237（表紙）（2007年4月）

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference JJP08-2883	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2008/072689	International filing date (day/month/year) 12 December 2008 (12.12.2008)	Priority date (day/month/year)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant NAVITIME JAPAN CO., LTD.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

	Date of issuance of this report 05 July 2011 (05.07.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Masashi Honda
Facsimile No. +41 22 338 82 70	e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference
JJP08-2883

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2008/072689

International filing date (day/month/year)
12.12.2008

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC

Applicant
NAVITIME JAPAN CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2008/072689

Box No. I	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of:</p> <p><input checked="" type="checkbox"/> the international application in the language in which it was filed</p> <p><input type="checkbox"/> a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).</p>
2.	<p><input type="checkbox"/> This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))</p>
3.	<p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> on paper</p> <p><input type="checkbox"/> in electronic form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed</p> <p><input type="checkbox"/> filed together with the international application in electronic form</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search</p>
4.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p>
5.	<p>Additional comments:</p>

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2008/072689

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-18	YES
	Claims		NO
Inventive step (IS)	Claims	1-18	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO
2. Citations and explanations:			
<p>Document 1: JP 2003-231468 A (The Nippon Signal Co., Ltd.), 19 August 2003, paragraphs [0029]-[0035], [0043], [0050], [0054] and [0059]</p> <p>Document 2: JP 2004-226302 A (Denso Corp.), 12 August 2004, paragraphs [0016]-[0018], [0051], [0053] and [0060]</p> <p>Document 3: JP 2000-258184 A (Ohnishi Netsugaku Co., Ltd.), 22 September 2000, paragraphs [0016] and [0017]</p> <p>Document 4: JP 2008-164436 A (Casio Computer Co., Ltd.), 17 July 2008, entire text</p> <p style="margin-top: 20px;">The invention as in claims 1-18 is not disclosed in any of documents 1-4, and would not be obvious to a person skilled in the art.</p>			

第Ⅴ欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、
それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求の範囲	1 - 18	有
	請求の範囲		無
進歩性 (IS)	請求の範囲	1 - 18	有
	請求の範囲		無
産業上の利用可能性 (IA)	請求の範囲	1 - 18	有
	請求の範囲		無

2. 文献及び説明

- 文献1 : JP 2003-231468 A (日本信号株式会社) 2003.08.19,
段落【0029】-段落【0035】、段落【0043】、段落【0050】、
段落【0054】、段落【0059】
- 文献2 : JP 2004-226302 A (株式会社デンソー) 2004.08.12,
段落【0016】-段落【0018】、段落【0051】、段落【0053】、
段落【0060】
- 文献3 : JP 2000-258184 A (株式会社大西熱学) 2000.09.22,
段落【0016】、段落【0017】
- 文献4 : JP 2008-164436 A (カシオ計算機株式会社) 2008.07.17, 全文

請求の範囲1-18に係る発明は、文献1-4のいずれにも記載されておらず、かつ
当業者にとって自明のものでもない。

第 I 欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。

- ☒ 出願時の言語による国際出願
- ☐ 出願時の言語から国際調査のための言語である _____ 語に翻訳された、この国際出願の翻訳文 (PCT規則12.3(a)及び23.1(b))

2. ☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT規則 43 の 2.1(b))。

3. この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

- a. タイプ ☐ 配列表
- ☐ 配列表に関連するテーブル
- b. フォーマット ☐ 紙形式
- ☐ 電子形式
- c. 提出時期 ☐ 出願時の国際出願に含まれていたもの
- ☐ この国際出願と共に電子形式により提出されたもの
- ☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4. ☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5. 補足意見：

PATENT COOPERATION TREATY

PCT/JP2008/072689

From the INTERNATIONAL BUREAU

PCTNOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

WIN TECH PATENT OFFICE
7th Fl., Uchikanda-Shibuya Bldg.
16-11, Uchikanda 2-chome
Chiyoda-ku, Tokyo
1010047
JAPON

Date of mailing (day/month/year)

23 June 2011 (23.06.2011)

Applicant's or agent's file reference

JJP08-2883

IMPORTANT NOTICE

International application No.

PCT/JP2008/072689

International filing date (day/month/year)

12 December 2008 (12.12.2008)

Priority date (day/month/year)

Applicant

NAVITIME JAPAN CO., LTD. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Masashi Honda

Facsimile No. +41 22 338 82 70

e-mail: pt08.pct@wipo.int



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED
JAN 18 2012
OFFICE OF PETITIONS

**In re Application of
JUNJI TOMA**

Application No.: 13/139,211

Filed: 10 June 2011

Attorney Docket No.: 110678

**For: ROUTE SEARCHING SYSTEM,
ROUTE SEARCHING SERVER AND
ROUTE SEARCHING METHOD**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 2 September 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

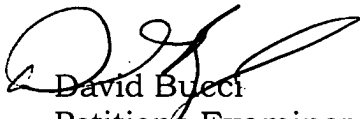
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.


David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/139,221	08/11/2011	Mikio Iwamura	17470/142001	8628
22511	7590	09/29/2011	EXAMINER	
OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010			ART UNIT	PAPER NUMBER
			2473	
			NOTIFICATION DATE	DELIVERY MODE
			09/29/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Osha Liang L.L.P.
Two Houston Center
909 Fannin, Suite 3500
Houston TX 77010

In re Application of: Iwamura
Application No. 13/139221
Filed: June 10, 2011
For: Mobile Communication method and Radio
Base Station

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 10, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s); and
 - c. A statement that the English translation is accurate;
3. Applicant must
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as allowable/patentable claim(s) in the JPO application(s);
 - b. Note that claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond. For example, if the JPO claims only contain claims to a process of manufacturing a product, then the claims in the USPTO are not considered to sufficiently correspond if the

- USPTO claims introduce product claims that are dependent on the corresponding process claims; and
- c. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate (if the translation is not a machine translation provided by the JPO);
6. Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-3612.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Tod Swann/
Tod Swann
Quality Assurance Specialist
Technology Center 2400

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13/139,231	Filing date:	June 10, 2011
First Named Inventor:	Brockman, Michael S.		
Title of the Invention:	Unified Octave/Register Key and Vent for Musical Wind...		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML			

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/067736

The international filing date of the corresponding PCT application(s) is/are:
11 December 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 13/139,231

First Named Inventor: Brockman, Michael S.

- d. (1)
- An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**



Is attached



Has already been filed in the above-identified U.S. application on _____

- (2)
- Copies of all documents (except) for U.S. patents or U.S. patent application publications)**



Are attached.



Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	
2	2, 3	
4-8	4-8, respectively	
11	11, 12	
13	13	
14	14, 15	
16, 17	16, 17, respectively	
19	19	
20, 21	20, 21, respectively	amended to eliminate multiple dependencies
23	23	
24	24, 25	
30, 31	30, 31, respectively	
35	35	
38	37	amended to eliminate multiple dependencies

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jessica M. Meyers/	Date 9/21/11
Name (Print/Typed) Jessica M. Meyers	Registration Number 65,049

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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JUL 21 2011

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

PCT LEGAL ADMINISTRATION

In re Application of	:	
CHEVALIER et al.	:	
Application No.: 13/139,232	:	DECISION ON PETITION
PCT No.: PCT/GB2009/002665	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 13 November 2009	:	
Priority Date: 21 November 2008	:	
Attorney Docket No.: P45874US/211509	:	
For: MULTIPLE OUTPUT TRANSMISSION	:	
SYSTEMS	:	

The petition to revive under 37 CFR 1.137(b) filed 10 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (703) 308-6314
Facsimile: (703) 308-6459

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/139,297	Filing date:	June 11, 2011
First Named Inventor:	Satoru HANZAWA		

Title of the
Invention: Semiconductor Device

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/070452

The international date of the corresponding PCT application(s) is/are: December 7, 2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

(continued)

d. (1) **An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on June 11, 2011

(2) **Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on June 11, 2011

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/Mitchell W. Shapiro/	Date	September 6, 2011
Name (Print/Typed)	Mitchell W. Shapiro	Registration Number	31,568

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/139,297	06/11/2011	Satoru Hanzawa	XA-11930	9326

181	7590	11/16/2011
MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833		

EXAMINER	
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ART UNIT	PAPER NUMBER
2827	

NOTIFICATION DATE	DELIVERY MODE
11/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocketing@milestockbridge.com
sstiles@milestockbridge.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

In re Application of
HANZAWA, Satoru
Application No.: 13/139,297
Filed: June 11, 2011
Attorney Docket No.: XA-11930

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 6, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13139315	Filing date:	2011-06-13
First Named Inventor:	OKAI		

Title of the Invention: **SCANNING ELECTRON MICROSCOPE**

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/006315

The international date of the corresponding PCT application(s) is/are: 2009-11-24

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE JPO AND THE USPTO**

(continued)

Application No.: 13139315

First Named Inventor: OKAI

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on 2011-06-13

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on 2011-06-13

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claim 1 in US Application is a translation of Patentable Claim 1 in the Corresponding PCT Application into English.
2	2	Claim 2 in US Application is a translation of Patentable Claim 2 in the Corresponding PCT Application into English.
3	3	Claim 3 in US Application is a translation of Patentable Claim 3 in the Corresponding PCT Application into English.
4	4	Claim 4 in US Application is a translation of Patentable Claim 4 in the Corresponding PCT Application into English.
5	5	Claim 5 in US Application is a translation of Patentable Claim 5 in the Corresponding PCT Application into English.
6	6	Claim 6 in US Application is a translation of Patentable Claim 6 in the Corresponding PCT Application into English.
7	7	Claim 7 in US Application is a translation of Patentable Claim 7 in the Corresponding PCT Application into English.
8	8	Claim 8 in US Application is a translation of Patentable Claim 8 in the Corresponding PCT Application into English.
9	9	Claim 9 in US Application is a translation of Patentable Claim 9 in the Corresponding PCT Application into English.
10	10	Claim 10 in US Application is a translation of Patentable Claim 10 in the Corresponding PCT Application into English.
11	11	Claim 11 in US Application is a translation of Patentable Claim 11 in the Corresponding PCT Application into English.
12	12	Claim 12 in US Application is a translation of Patentable Claim 12 in the Corresponding PCT Application into English.
13	13	Claim 13 in US Application is a translation of Patentable Claim 13 in the Corresponding PCT Application into English.
14	14	Claim 14 in US Application is a translation of Patentable Claim 14 in the Corresponding PCT Application into English.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /JOHN R. MATTINGLY/	Date 2011-07-25
Name (Print/Typed) JOHN R. MATTINGLY	Registration Number 30293

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

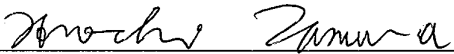
1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**STATEMENT THAT ENGLISH TRANSLATION
OF WRITTEN OPINION IS ACCURATE**

VERIFICATION

I, Hiroshi TAMURA, a national of Japan, Polaire Intellectual Property Corporation., 3rd Floor TOKYU REIT Hatchobori Bldg. 2-7-1, Hatchobori, Chuo-ku, Tokyo 104-0032 Japan, verify that to the best of my knowledge and belief the following is a true translation made by me of the annexed document which is International Application, No. PCT/JP2009/006315 filed on November 24, 2009.

Dated this 23rd day of June, 2011

A handwritten signature in cursive script, reading "Hiroshi Tamura", is written over a horizontal line.

Hiroshi TAMURA, Translator

ENGLISH TRANSLATION OF PCT WRITTEN OPINION

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International
application No.
PCT/JP2009/006315

Box No. V Reasoned statement under Rule 43bis.2.1(a)(i)
with regard to novelty, inventive step or
industrial applicability; citations and
explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-14</u>	Yes
	Claims <u> </u>	No
Inventive step (IS)	Claims <u>1-14</u>	Yes
	Claims <u> </u>	No
Industrial applicability (IA)	Claims <u>1-14</u>	Yes
	Claims <u> </u>	No

2. Citations and explanations

Citation 1: JP 2006-308471 A (Hitachi High-technologies Corp.),
09 November 2006 (09.11.2006),
entire text; all drawings
& US 2006/0243905 A1 & US 2009/0202166 A

Citation 2: WO 2003/044821 A1 (Hitachi High-technologies Corp.),
30 May 2003 (30.05.2003),
entire text; all drawings
& US 2003/0111602 A1 & US 2003/0141451 A1
& US 2008/0217535 A1 & US 2007/0029478 A1
& EP 1455378 A1

Citation 3: JP 5-290787 A (JEOL Ltd.),
05 November 1993 (15.11.1993),
entire text; all drawings (Family : none)

Citation 4: JP 59-224038 A (Shimadzu Corp.),
15 December 1984 (15.12.1984),
entire text; all drawings (Family : none)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International
application No.
PCT/JP2009/006315

Supplemental Box

Use the following space where the given space of any one of the above columns is in short.

Continuation of: Box No. V

Citation 5: JP 2003-86126 A (Hitachi, Ltd.),
20 March 2003 (20.03.2003),
entire text; all drawings (Family : none)

Citation 6: JP 2000-294185 A (Canon Inc.),
20 October 2000 (20.10.2000),
entire text; all drawings (Family : none)

Citation 7: JP 2000-106121 A (JEOL Ltd.),
11 April 2000 (11.04.2000),
entire text; all drawings
& US 6448555 B1

Citations 1 to 7 are patent literature cited in the International Search Report.

The subject matters of claims 1 to 14 are novel and non-obvious over the disclosures of those citations.

There is neither description nor suggestion in any one of those citations on a scanning electron microscope characterized in calculating a drift amount between a plurality of field images constituting a frame image; and correcting positions of respective field images constituting the plurality of field images according to the drift amount between the field images and superimposing the field images on one another. This advantageously allows an image drift caused upon a frame image being obtained to be corrected, so that the scanning electron microscope can obtain a clear frame image upon obtaining an image with higher magnification.

Citation 1: JP 2006-308471 A (Hitachi High-technologies Corp.),
09 November 2006 (09.11.2006),
entire text; all drawings
& US 2006/0243905 A1 & US 2009/0202166 A

Citation 2: WO 2003/044821 A1 (Hitachi High-technologies Corp.),
30 May 2003 (30.05.2003),
entire text; all drawings
& US 2003/0111602 A1 & US 2003/0141451 A1
& US 2008/0217535 A1 & US 2007/0029478 A1
& EP 1455378 A1

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Citation 4: JP 59-224038 A (Shimadzu Corp.),
15 December 1984 (15.12.1984),
entire text; all drawings (Family : none)

Citation 5: JP 2003-86126 A (Hitachi, Ltd.),
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Citation 6: JP 2000-294185 A (Canon Inc.),
20 October 2000 (20.10.2000),
entire text; all drawings (Family : none)

Citation 7: JP 2000-106121 A (JEOL Ltd.),
11 April 2000 (11.04.2000),
entire text; all drawings
& US 6448555 B1

PCT WRITTEN OPINION

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、
それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求項	1-14	有
	請求項		無
進歩性 (IS)	請求項	1-14	有
	請求項		無
産業上の利用可能性 (IA)	請求項	1-14	有
	請求項		無

2. 文献及び説明

文献1 : JP 2006-308471 A (株式会社日立ハイテクノロジーズ) 2006.11.09,
全文、全図 & US 2006/0243905 A1 & US 2009/0202166 A

文献2 : WO 2003/044821 A1 (株式会社日立ハイテクノロジーズ) 2003.05.30,
全文、全図
& US 2003/0111602 A1 & US 2003/0141451 A1 & US 2008/0217535 A1
& US 2007/0029478 A1 & EP 1455378 A1

文献3 : JP 5-290787 A (日本電子株式会社) 1993.11.05,
全文、全図 (ファミリーなし)

文献4 : JP 59-224038 A (株式会社島津製作所) 1984.12.15,
全文、全図 (ファミリーなし)

文献5 : JP 2003-86126 A (株式会社日立製作所) 2003.03.20,
全文、全図 (ファミリーなし)

文献6 : JP 2000-294185 A (キヤノン株式会社) 2000.10.20,
全文、全図 (ファミリーなし)

文献7 : JP 2000-106121 A (日本電子株式会社) 2000.04.11,
全文、全図
& US 6448555 B1

補充欄

いずれかの欄の大きさが足りない場合

第 V 欄の続き

文献 1－7 は、いずれも、国際調査報告で引用された文献である。

請求項 1－14 に係る発明は、国際調査報告で引用された文献 1－7 に対して、新規性、進歩性を有する。

文献 1－7 には、走査電子顕微鏡において、1 フレームの画像を構成する複数のフィールド画像間のドリフト量を算出し、前記ドリフト量に基づき前記フィールド画像をドリフト画像をドリフト補正して重ね合わせることは、記載も示唆もされていない。

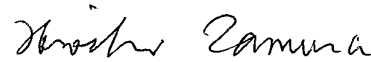
一方、本発明は、これにより、1 フレームの画像を取得する際に生じる像ドリフトを補正できるので、高倍率で画像を取得する際に鮮明な画像を得ることが可能になるという有利な効果を奏する。

**STATEMENT THAT ENGLISH TRANSLATION
OF CLAIMS IS ACCURATE**

VERIFICATION

I, Hiroshi TAMURA, a national of Japan, Polaire Intellectual Property Corporation., 3rd Floor TOKYU REIT Hatchobori Bldg. 2-7-1, Hatchobori, Chuo-ku, Tokyo 104-0032 Japan, verify that to the best of my knowledge and belief the following is a true translation made by me of the annexed claims which are International Application, No. PCT/JP2009/006315 filed on November 24, 2009.

Dated this 11th day of July, 2011



Hiroshi TAMURA, Translator

PCT APPLICATION CLAIMS

請求の範囲

- [請求項1] 電子線を走査して試料に照射し、試料から放出される信号を検出して画像を形成する走査電子顕微鏡において、
- 試料の観察視野を一度走査して得られるフレーム画像を複数枚保存する画像記憶部と、前記フレーム画像間及び前記フレーム画像を構成するフィールド画像間のドリフト量を算出する補正演算処理部と、前記フィールド画像間のドリフト量に基づき前記フィールド画像をドリフト補正し、重ね合わせるデータ処理部とを有することを特徴とする走査電子顕微鏡。
- [請求項2] 請求項1に記載の走査電子顕微鏡において、
- 前記フレーム画像間のドリフト量は、前記フレーム画像同士を演算処理して算出されることを特徴とする走査電子顕微鏡。
- [請求項3] 請求項1または2に記載の走査電子顕微鏡において、
- 前記補正演算処理部は、位相相関法を用いてドリフト量を算出することを特徴とする走査電子顕微鏡。
- [請求項4] 請求項1乃至3のいずれかに記載の走査電子顕微鏡において、
- 前記フィールド画像間のドリフト量は、前記フレーム画像間のドリフト量に基づき算出されることを特徴とする走査電子顕微鏡。
- [請求項5] 請求項1乃至4のいずれかに記載の走査電子顕微鏡において、
- 前記フレーム画像を構成する前記フィールド画像の数は、任意に設定できることを特徴とする走査電子顕微鏡。
- [請求項6] 請求項1乃至5のいずれかに記載の走査電子顕微鏡において、
- 前記補正演算処理部は、前記フレーム画像を縮小する機能を有することを特徴とする走査電子顕微鏡。
- [請求項7] 請求項1乃至6のいずれかに記載の走査電子顕微鏡において、
- 前記補正演算処理部は、前記フレーム画像のデータを用いて前記観察視野内のパターンが一次元パターンか二次元パターンかを判定する機能を有することを特徴とする走査電子顕微鏡。

- [請求項8] 請求項1乃至6のいずれかに記載の走査電子顕微鏡において、
前記補正演算処理部は、観察対象パターンに対応するCADデータを用いて前記観察視野内のパターンが一次元パターンか二次元パターンかを判定する機能を有することを特徴とする走査電子顕微鏡。
- [請求項9] 請求項1乃至8のいずれかに記載の走査電子顕微鏡において、
前記フィールド画像は、ラスタ走査で得られることを特徴とする走査電子顕微鏡。
- [請求項10] 請求項1乃至9のいずれかに記載の走査電子顕微鏡において、
前記フィールド画像間のドリフトの補正が、1つもしくは複数の走査ライン毎に行われることを特徴とする走査電子顕微鏡。
- [請求項11] 請求項1乃至10のいずれかに記載の走査電子顕微鏡において、
前記フレーム画像間のドリフト量は、前記画像記憶部に保存された複数枚のフレーム画像を数枚ごとのグループに分け、グループごとにそれぞれ積算して新たな複数のフレーム画像とし、前記新たな複数のフレーム画像を用いて算出されることを特徴とする走査電子顕微鏡。
- [請求項12] 電子線源と、
前記電子線源から放出される電子を走査する偏向器と、
試料が載置される試料台と、
前記電子が前記試料台上の試料に照射されることにより、前記試料から放出される信号に基づき画像を表示する表示部とを有する走査電子顕微鏡であって、
前記電子が前記試料の観察すべき領域である観察視野に照射されることにより得られる複数枚のフレーム画像を保存する画像記憶部と、
前記複数枚のフレーム画像間のドリフト量、及び前記フレーム画像を構成する複数のフィールド画像間のドリフト量を算出する補正演算処理部と、
前記フィールド画像間のドリフト量に基づき前記フィールド画像をドリフト補正し、重ね合わせて新たなフレーム画像を作成するデータ

処理部とを有し、

前記データ処理部は、前記新たに作成されたフレーム画像のデータに基づき、前記試料に形成された観察対象のパターン寸法を算出する機能も有することを特徴とする走査電子顕微鏡。

[請求項13]

請求項12記載の走査電子顕微鏡において、

前記電子が前記観察視野に照射される際、前記試料台は固定されていることを特徴とする走査電子顕微鏡。

[請求項14]

請求項12または13に記載の走査電子顕微鏡において、

前記新たに作成されるフレーム画像のデータは、複数枚分積算されたものであることを特徴とする走査電子顕微鏡。

ENGLISH TRANSLATION OF PCT APPLICATION CLAIMS

What is claimed is:

1. A scanning electron microscope which scans an electron beam, irradiates the electron beam onto a sample, and detects a signal emitted from the sample so as to form an image, the microscope comprising:

an image recording unit that records a plurality of frame images each of which is acquired by scanning an observation field of the sample once;

a correction analyzing handling unit that obtains a drift rate between the frame images and a drift rate between the field images included in each of the frame images; and

a data handling unit that corrects the drift of the field images based on the drift rate between the field images, and superimposes the field images.

2. The scanning electron microscope according to claim 1,

wherein the drift rate between the frame images is obtained by analyzing and calculating the frame images.

3. The scanning electron microscope according to claim 1 or 2,

wherein the correction analyzing handling unit obtains the drift rate using a phase correlation method.

4. The scanning electron microscope according to any one of Claims 1 to 3,

wherein the drift rate between the field images is obtained based on the drift rate between the frame images.

5. The scanning electron microscope according to any one of Claims 1 to 4,

wherein the number of the field images included in one of the frame images can be set arbitrarily.

6. The scanning electron microscope according to any one of Claims 1 to 5,

wherein the correction analyzing handling unit has a function for reducing the frame images.

7. The scanning electron microscope according to any one of Claims 1 to 6,

wherein the correction analyzing handling unit has a function for judging whether a pattern in the observation field is one-dimensional or two-dimensional, using data of the frame image.

8. The scanning electron microscope according to any one of Claims 1 to 6,

wherein the correction analyzing handling unit has a function for judging whether a pattern in the observation field is one-dimensional or two-dimensional, using CAD data corresponding to a target pattern to be observed.

9. The scanning electron microscope according to any one of Claims 1 to 8,

wherein the field image is acquired by raster scanning.

10. The scanning electron microscope according to any one of Claims 1 to 9,

wherein drift between the field images is corrected at one or a plurality of scanning lines.

11. The scanning electron microscope according to any one of Claims 1 to 10,

wherein the drift rate between the frame images is obtained by dividing the plurality of frame images recorded in the image recording unit into groups of several images and accumulating the images of each of the groups so as to form several new frame images, and by using the several new

frame images.

12. A scanning electron microscope which includes an electron beam source, a deflector which scans an electron emitted from the electron beam source, a sample holder on which a sample is put, and a display unit which displays an image based on a signal emitted from the sample, by the electron being irradiated onto the sample on the sample holder, and the microscope comprising:

an image recording unit that stores a plurality of frame images acquired by the electron being irradiated to an observation field of the sample as an area to be observed;

a correction analyzing handling unit that obtains a drift rate between the plurality of frame images and a drift rate between a plurality of field images included in each of the frame images; and

a data handling unit that corrects drift of the field images based on the drift rate between the field images, and superimposes the field images so as to form a new frame image,

wherein the data handling unit has a function for obtaining target pattern dimensions to be observed formed on the sample, based on data of the new frame image.

13. The scanning electron microscope according to claim 12,

wherein the sample holder is fixed when the electron is irradiated to the observation field.

14. The scanning electron microscope according to claim 12 or 13,

wherein the data of the new frame image includes a plurality of accumulated images.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/139,315	06/13/2011	Nobuhiro Okai	POL-7839	9589
24956 7590 09/15/2011 MATTINGLY & MALUR, PC 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER	
			ART UNIT	PAPER NUMBER
			2482	
			MAIL DATE	DELIVERY MODE
			09/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MATTINGLY & MALUR, PC
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of: OKAI, NOBUHIRO et al.
Application No. 13/139,315
Filed: June 13, 2011
For: SCANNING ELECTRON MICROSCOPE

DECISION ON REQUEST TO
PARTICIPATE IN PCT-PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(a)

MAILED

SEP 15 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed July 25, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER

which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. *If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.*

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOISA, WOIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively."

The request to participate in the PCT-PPH program and petition comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Aaron Strange at 571-272-3959.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Feiling Wang
54 Forest Street, Unit 322
Medford MA 02155

MAILED

JUN 24 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
WANG, Feiling	:	
Application No.: 13/139,479	:	
PCT No.: PCT/US09/03698	:	
Int. Filing Date: 20 June 2009	:	DECISION ON PETITION
Priority Date: 20 June 2008	:	UNDER 37 CFR 1.137(b)
ATTY Docket No.: NONE	:	
For: OPTICALLY CHARACTERIZING	:	
TURBID MEDIA AND	:	
SUBSTANCES IN TURBID	:	
MEDIA	:	

This decision is in response to applicant's PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) in application serial number 13/139,479. The petition was filed in the United States Patent and Trademark Office (USPTO) on 13 June 2011.

BACKGROUND

On 20 June 2009, applicant filed international application, PCT/US09/03698, claiming priority to two United States provisional applications, 61/132,546, filed 20 June 2008 and 61/191,972, filed 15 September 2008.

The thirty-month period for paying the basic national fee in the United States expired on 20 December 2010. This application became abandoned with respect to the United States at midnight on 20 December 2010 for failure to pay the required basic national fee and providing the documents as required by 35 U.S.C. 371 (c).

On 13 June 2011, applicant submitted national stage papers with the United States Designated/Elected Office (DO/EO/US) along with the required basic national filing fee, petition fee, and petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

- (1) The required reply, unless previously filed;
- (2) The petition fee as set forth in 37 CFR 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and,
- (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) required pursuant to 37 CFR 1.137(d).

The required reply in a national stage application abandoned for failure to pay the required basic national fee and documents as required by 35 U.S.C. 371 (c), may be met by submitting the basic national fee and the national stage application documents.

Regarding item (1), applicant has provided the required reply.

Regarding item (2), applicant has paid the \$810 petition fee.

Regarding item (3), the statement satisfies the requirement.

Regarding item (4), because the international application was filed after 8 June 1995, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy the requirements under 37 CFR 1.137(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Gwendolyn Blackwell
PCT Legal Detailee
Office of PCT Legal Administration
Tel: (571) 272-6094



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13/139,479	Filing date:	June 13, 2011
First Named Inventor:	Feiling Wang		
Title of the Invention:	OPTICALLY CHARACTERIZING TURBID MEDIA AND SUBSTANCES IN TURBID MEDIA		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML			

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US09/03698

The international filing date of the corresponding PCT application(s) is/are:
June 20, 2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	13/139,479
First Named Inventor:	Feiling Wang

- ☒ Is attached
- ☐ Has already been filed in the above-identified U.S. application on

- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on _____

[illegible]

Signature /Bing Ai/	Date February 10, 2012
Name (Print/Typed) Bing Ai	Registration Number 43,312

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PERKINS COIE LLP
PO BOX 1247
SEATTLE WA 98111-1247

MAILED
APR 10 2012
OFFICE OF PETITIONS

In re Application of
Feiling WANG
Application No.: 13/139,479
Filed: June 13, 2011
Attorney Docket No.: 78520-8001.US02
For: OPTICALLY CHARACTERIZING
TURBID MEDIA AND SUBSTANCES IN
TURBID MEDIA

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on February 10, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are Australia, Austria, China, EPO, Finland, JPO, Korea, Nordic Patent Institute, Russia, Spain, Sweden, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

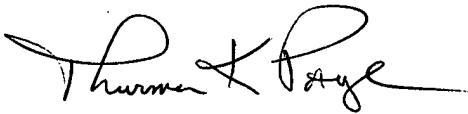
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Thurman K. Page
Petitions Examiner
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	TBD	Filing date:	Herewith
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First Named Inventor:	Kazushige SANO
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Title of the Invention:	STUD WELDING APPARATUS
----------------------------	------------------------

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFW/EFW_HELP.HTML](http://www.uspto.gov/efw/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2090/068015

The international filing date of the corresponding PCT application(s) is/are:
December 15, 2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.


- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	
First Named Inventor:	Parviz DANESHGARI

- ☒

☒[illegible]

Signature 	Date <u>June 14, 2011</u>
Name (Print/Typed) Christopher M. Brock	Registration Number <u>27,313</u>

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/139,585	07/12/2011	Kazushige Sano	0275-001524/US/NPB	2060
76237 7590 10/24/2011 Harness Dickey & Pierce, P.L.C. (Stanley B&D) P.O. Box 828 Bloomfield Hills, MI 48303			EXAMINER GAMINO, CARLOS J	
			ART UNIT 1735	PAPER NUMBER
			MAIL DATE 10/24/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WG

October 24, 2011

In re application of	:	DECISION ON REQUEST TO
Kazushige Sano et al.	:	PARTICIPATE IN PATENT
Serial No. 13/139,585	:	PROSECUTION HIGHWAY
Filed: June 14, 2012	:	PROGRAM AND
For: STUD WELDING APPARATUS	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed June 14, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 13/139,585

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition fail for at least the following reason: Action on this US application has begun. Specifically, a Notice of Allowance was mailed on October 11, 2011.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/139,595	Filing date:	June 14, 2011
First Named Inventor:	Jun TSUNEKAWA		

Title of the
Invention: COLLISION DETERMINATION DEVICE

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCT/JP08/003927

The international date of the corresponding
PCT application(s) is/are: December 24, 2008

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒ Is attached. See Appendix A

☐ Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒ Is attached. See Appendix B

☐ Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

See Appendices C and D, respectively

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE JPO AND THE USPTO**

(continued)

Application No.: 13/139,595

First Named Inventor: Jun TSUNEKAWA

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on

June 14, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on

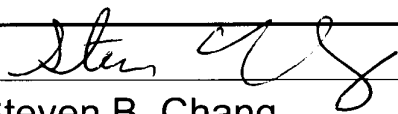
June 14, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Substantially Identical
2	2	Substantially Identical
3	3	Substantially Identical
4	4	Substantially Identical
5	5	Substantially Identical
6	6	Substantially Identical
7	7	Substantially Identical
8	8	Substantially Identical
9	9	Substantially Identical
10	10	Substantially Identical
11	11	Substantially Identical
12	12	Substantially Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature



Date August 2, 2011

Name
(Print/Typed)

Steven B. Chang

Registration Number 59,423

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 13/139,595
Attorney Docket No. 382140US71PCT

Appendix A

Copy of latest PCT Office Action

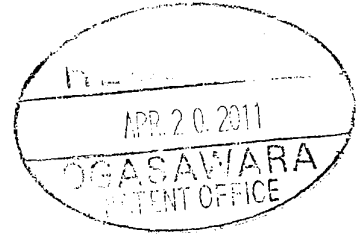
特許協力条約

PCT

特許性に関する国際予備報告（特許協力条約第二章）

（法第12条、法施行規則第56条）

〔PCT36条及びPCT規則70〕



出願人又は代理人 の書類記号 PCT-507	今後の手続きについては、様式PCT/IPEA/416を参照すること。	
国際出願番号 PCT/J P 2008/003927	国際出願日 (日. 月. 年) 24. 12. 2008	優先日 (日. 月. 年)
国際特許分類 (IPC) Int.Cl. G08G1/16(2006.01)i		
出願人 (氏名又は名称) トヨタ自動車株式会社		

- この報告書は、PCT35条に基づきこの国際予備審査機関で作成された国際予備審査報告である。
法施行規則第57条（PCT36条）の規定に従い送付する。
- この国際予備審査報告は、この表紙を含めて全部で 3 ページからなる。
- この報告には次の附属物件も添付されている。
 - ☒ 附属書類は全部で 2 ページである。
 - ☒ 補正されて、この報告の基礎とされた及び/又はこの国際予備審査機関が認めた訂正を含む明細書、請求の範囲及び/又は図面の用紙（PCT規則70.16及び実施細則第607号参照）
 - ☐ 第I欄4.及び補充欄に示したように、出願時における国際出願の開示の範囲を超えた補正を含むものとこの国際予備審査機関が認定した差替え用紙
 - ☐ 配列表に関する補充欄に示され、電子形式のみで提出された、配列表を含む電子媒体は全部で （電子媒体の種類、数を示す）。
(実施細則附属書C3の2第3段落参照)

4. この国際予備審査報告は、次の内容を含む。

- ☒ 第I欄 国際予備審査報告の基礎
- ☐ 第II欄 優先権
- ☐ 第III欄 新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成
- ☐ 第IV欄 発明の単一性の欠如
- ☒ 第V欄 PCT35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第VI欄 ある種の引用文献
- ☐ 第VII欄 国際出願の不備
- ☐ 第VIII欄 国際出願に対する意見

国際予備審査の請求書を受理した日 08. 03. 2010	国際予備審査報告を作成した日 07. 04. 2011	
名称及びあて先 日本国特許庁 (IPEA/J P) 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官 (権限のある職員) 白石 剛史 電話番号 03-3581-1101 内線 3316	3H 3725

様式PCT/IPEA/409 (表紙) (2009年7月)

第 I 欄 報告の基礎

1. 言語に関し、この予備審査報告は以下のものを基礎とした。

- ☒ 出願時の言語による国際出願
☐ 出願時の言語から次の目的のための言語である _____ 語に翻訳された、この国際出願の翻訳文
- ☐ 国際調査 (PCT 規則 12.3(a) 及び 23.1(b))
☐ 国際公開 (PCT 規則 12.4(a))
☐ 国際予備審査 (PCT 規則 55.2(a) 又は 55.3(a))

2. この報告は下記の出願書類を基礎とした。(法第 6 条 (PCT 14 条) の規定に基づく命令に応答するために提出された差替え用紙は、この報告において「出願時」とし、この報告に添付していない。)

☐ 出願時の国際出願書類

☒ 明細書

第 1-26 _____ ページ、出願時に提出されたもの

第 _____ ページ*、 _____ 付で国際予備審査機関が受理したもの

第 _____ ページ*、 _____ 付で国際予備審査機関が受理したもの

☒ 請求の範囲

第 _____ 項、出願時に提出されたもの

第 _____ 項*、PCT 19 条の規定に基づき補正されたもの

第 1-12 _____ 項*、08.03.2010 付で国際予備審査機関が受理したもの

第 _____ 項*、 _____ 付で国際予備審査機関が受理したもの

☒ 図面

第 1-13 _____ ページ/図、出願時に提出されたもの

第 _____ ページ/図*、 _____ 付で国際予備審査機関が受理したもの

第 _____ ページ/図*、 _____ 付で国際予備審査機関が受理したもの

☐ 配列表

配列表に関する補充欄を参照すること。

3. ☐ 補正により、下記の書類が削除された。

- ☐ 明細書 第 _____ ページ
☐ 請求の範囲 第 _____ 項
☐ 図面 第 _____ ページ/図
☐ 配列表 (具体的に記載すること) _____

4. ☐ この報告は、補充欄に示したように、この報告に添付されかつ以下に示した補正が出願時における開示の範囲を超えてされたものと認められるので、その補正がされなかったものとして作成した。(PCT 規則 70.2(c))

- ☐ 明細書 第 _____ ページ
☐ 請求の範囲 第 _____ 項
☐ 図面 第 _____ ページ/図
☐ 配列表 (具体的に記載すること) _____

5. ☐ この報告は、PCT 規則 91 の規定により国際予備審査機関が認めた又は国際予備審査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT 規則 70.2(e))。

6. ☐ この報告を作成するにあたり、補充国際調査機関である _____ から受領した補充国際調査報告を考慮した。(PCT 規則 45 の 2.8(b) 及び (c))

* 4. に該当する場合、その用紙に "superseded" と記入されることがある。

第V欄 新規性、進歩性又は産業上の利用可能性についての法第12条(PCT35条(2))に定める見解、それを裏付ける文献及び説明

1. 見解

新規性(N)

請求項 1-12

有

請求項

無

進歩性(IS)

請求項 1-12

有

請求項

無

産業上の利用可能性(IA)

請求項 1-12

有

請求項

無

2. 文献及び説明(PCT規則70.7)

文献1: JP 10-172098 A (株式会社デンソー) 1998.06.26, 段落【0061】
—段落【0065】、段落【0090】、段落【0095】、段落【0235】
—段落【0244】

文献2: JP 2007-279892 A (本田技研工業株式会社) 2007.10.25, 段落【0006】

文献3: JP 2000-326757 A (三菱電機株式会社) 2000.11.28, 段落【0116】

文献4: JP 9-91598 A (マツダ株式会社) 1997.04.04, 段落【0004】、
段落【0005】

文献5: JP 2007-153203 A (日産自動車株式会社) 2007.06.21, 図2

文献6: JP 2007-91102 A (トヨタ自動車株式会社) 2007.04.12, 全文

文献7: JP 2004-78333 A (日産自動車株式会社) 2004.03.11, 全文

文献8: JP 7-262499 A (日本電装株式会社) 1995.10.13, 全文

請求項1-12に係る発明は、国際調査報告で引用された文献1乃至文献8のいずれにも記載されておらず、かつ当業者にとって自明のものでもない。

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 13/139,595
Attorney Docket No. 382140US71PCT

Appendix B

Copy of all claims which were
determined to be patentable in the PCT

請求の範囲

- [1] (補正後) 車両に搭載され、他の車両と衝突する可能性の有無を判定する衝突判定装置であって、
- 前記他の車両と衝突する可能性があるか否かを判定する可能性判定手段と、
- 自車両及び前記他の車両の少なくとも一方が、カーブ路を走行中であるか否か、を判定する進行方向判定手段と、
- 前記進行方向判定手段によってカーブ路を走行中であると判定された場合に、前記可能性判定手段において衝突する可能性があるか否かを判定する条件である衝突判定条件を厳しくするべく変更する条件変更手段と、を備える衝突判定装置。
- [2] 前記他の車両の代表点が、今後進行する軌跡である進行軌跡を推定する軌跡推定手段、を備え、
- 前記可能性判定手段は、前記軌跡推定手段によって推定された進行軌跡上を、予め設定された車幅及び車長を有する前記他の車両が移動する場合に、前記他の車両が自車両と交差するか否かに応じて、前記他の車両と衝突する可能性があるか否かを判定する、請求項1に記載の衝突判定装置。
- [3] 前記条件変更手段は、前記他の車両の車幅及び車長の少なくとも一方を小さくすることによって、前記衝突判定条件を厳しくするべく変更する、請求項2に記載の衝突判定装置。
- [4] レーダを介して前記他の車両の位置を検出する物体検出手段、を備え、
- 前記他の車両の代表点は、前記レーダによって前記他の車両が捕捉された捕捉点である、請求項2に記載の衝突判定装置。
- [5] (補正後) 自車両の位置する道路の曲率半径を求める曲率半径算出手段、を備え、
- 前記進行方向判定手段は、前記曲率半径算出手段によって求められた曲率半径に基づいて、自車両がカーブ路を走行中であるか否か、を判定する、請求項1に記載の衝突判定装置。
- [6] (補正後) 前記進行方向判定手段は、前記曲率半径算出手段によって求められた曲率半径が予め設定された閾値半径以下である場合に、自車両がカーブ路を走行中であると判定する、請求項5に記載の衝突判定装置。

- [7] 前記曲率半径算出手段は、車速をヨーレートで除することによって前記曲率半径を求める、請求項5に記載の衝突判定装置。
- [8] 自車両の位置する道路の曲率半径を求める曲率半径算出手段、を備え、
前記条件変更手段は、前記曲率半径算出手段によって求められた曲率半径に基づいて、前記衝突判定条件を変更する、請求項1に記載の衝突判定装置。
- [9] 前記曲率半径算出手段は、車速をヨーレートで除することによって前記曲率半径を求める、請求項8に記載の衝突判定装置。
- [10] 自車両の位置する道路の曲率半径を求める曲率半径算出手段、を備え、
前記条件変更手段は、前記曲率半径算出手段によって求められた曲率半径に基づいて、前記他の車両の車幅及び車長の少なくとも一方を変更することによって前記衝突判定条件を変更する、請求項2に記載の衝突判定装置。
- [11] 前記条件変更手段は、前記曲率半径算出手段によって求められた曲率半径に略比例して、前記他の車両の車長を変更することによって前記衝突判定条件を変更する、請求項10に記載の衝突判定装置。
- [12] (補正後) 前記進行方向判定手段は、前記他の車両の過去における進行軌跡に基づいて、前記他の車両がカーブ路を走行中であるか否か、を判定する、請求項1に記載の衝突判定装置。

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 13/139,595
Attorney Docket No. 382140US71PCT

Appendix C

English-language translation of the
latest PCT Office Action

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT-507		FOR FURTHER ACTION	See Form PCT/IPEA/416																								
International application No. PCT/JP2008/003927	International filing date (day/month/year) 24.12.2008	Priority date (day/month/year)																									
International Patent Classification (IPC) or national classification and IPC G08G1/16																											
Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA																											
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3bis of Annex C of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table border="0"><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>				<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																									
<input type="checkbox"/>	Box No. II	Priority																									
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																									
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																									
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<input type="checkbox"/>	Box No. VI	Certain documents cited																									
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																									
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																									
Date of submission of the demand		Date of completion of this report																									
Name and mailing address of the IPEA/JP		Authorized officer																									
Facsimile No.		Telephone No.																									

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2008/003927

Box No. I

Basis of the report

1. With regard to the language, this report is based on:
- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rule 55.2(a) and/or 55.3(a))
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-26 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-12 received by this Authority on 08.03.2010
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets figures 1-13 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
5. ☐ This report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).
6. ☐ Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2008/003927

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-12</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-12</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-12</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>Document 1: JP 10-172098 A (Denso Corp.), 26 June 1998, paragraphs [0061]-[0065], [0090], [0095], and [0235]-[0244]</p> <p>Document 2: JP 2007-279892 A (Honda Motor Co., Ltd.), 25 October 2007, paragraph [0006]</p> <p>Document 3: JP 2000-326757 A (Mitsubishi Electric Corp.), 28 November 2000, paragraph [0116]</p> <p>Document 4: JP 9-91598 A (Mazda Motor Corp.), 4 April 1997, paragraphs [0004], and [0005]</p> <p>Document 5: JP 2007-153203 A (Nissan Motor Co., Ltd.), 21 June 2007, fig. 2</p> <p>Document 6: JP 2007-91102 A (Toyota Motor Co., Ltd.), 12 April 2007, entire text</p> <p>Document 7: JP 2004-78333 A (Nissan Motor Co., Ltd.), 11 March 2004, entire text</p> <p>Document 8: JP 7-262499 A (Nippon Denso Co., Ltd.), 13 October 1995, entire text</p> <p>The invention set forth in claims 1-12 is not disclosed in any of documents 1 to 8 cited in the</p>			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2008/003927

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

international search report, and is not obvious to a
person skilled in the art.

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 13/139,595
Attorney Docket No. 382140US71PCT

Appendix D

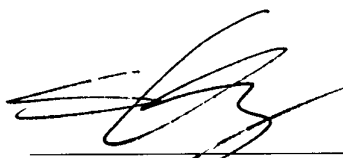
English-language translation of all
claims which were determined to be
patentable in the PCT

CERTIFICATE OF VERIFICATION

I, Shiro Ogasawara, c/o Ogasawara Patent Office, Daido-Seimei Esaka Bldg., 13th Floor, 1-23-101, Esakacho, Suita-shi, Osaka 564-0063 Japan, state that the attached document is a true and complete translation to the best of my knowledge of the claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application (PCT/JP2008/003927).

Dated this 6th day of June, 2011

Signature of translator:



Shiro OGASAWARA

CLAIMS

[Claim 1] A collision determination device which is mounted on a vehicle and determines existence or non-existence of a possibility of a collision with another vehicle, the collision determination device comprising:

a possibility determination section that determines whether or not there is a possibility of a collision with the other vehicle;

a traveling direction determination section that determines whether or not at least one of an own-vehicle and the other vehicle is traveling in a curved path; and

a condition changing section that changes a collision determination condition, which is a condition for the possibility estimation section to determine that there is a possibility of a collision, so as to be strict, when the traveling direction determination section determines that changing of a traveling direction is in progress.

[Claim 2] The collision determination device according to claim 1, comprising a trajectory estimating section that estimates a traveling trajectory which is a trajectory to be traveled in the future by a representation point of the other vehicle, wherein

the possibility estimation section determines whether or not there is a possibility of a collision with the other vehicle depending on whether or not the other vehicle intersects the own-vehicle, when the other vehicle having preconfigured vehicle width and vehicle length moves on the traveling trajectory estimated by the trajectory estimating section.

[Claim 3] The collision determination device according to claim 2, wherein the condition changing section changes the collision determination condition so as to be strict, by reducing at least one of a vehicle width and a vehicle length of the other vehicle.

[Claim 4] The collision determination device according to claim 2, comprising an object detection section that detects a position of the other vehicle via a radar; wherein

the representation point of the other vehicle is an acquisition point obtained by having the other vehicle acquired by the radar.

[Claim 5] The collision determination device according to claim 1, comprising a radius-of-curvature calculation section that obtains a radius of curvature of a road on which the own-vehicle is positioned; wherein

the traveling direction determination section determines whether or not the own-vehicle is traveling in a curved path, based on the radius of curvature obtained by the radius-of-curvature calculation section.

[Claim 6] The collision determination device according to claim 5, wherein the traveling direction determination section determines that the own-vehicle is traveling in a curved path, when the radius of curvature obtained by the radius-of-curvature calculation section is equal to or smaller than a preconfigured threshold radius.

[Claim 7] The collision determination device according to claim 5, wherein the radius-of-curvature calculation section obtains the radius of curvature by dividing a vehicle speed with a yaw rate.

[Claim 8] The collision determination device according to claim 1, comprising a radius-of-curvature calculation section that obtains a radius of curvature of a road on which the own-vehicle is positioned; wherein

the condition changing section changes the collision determination condition, based on the radius of curvature obtained by the radius-of-curvature calculation section.

[Claim 9] The collision determination device according to claim 8, wherein the radius-of-curvature calculation section obtains the radius of curvature by dividing a vehicle speed with a yaw rate.

[Claim 10] The collision determination device according to claim 2, comprising a radius-of-curvature calculation section that obtains a radius of curvature of a road on which the own-vehicle is positioned; wherein

the condition changing section changes the collision determination condition by changing at least one of a vehicle width and a vehicle length of the other vehicle, based on the radius of curvature obtained by the radius-of-curvature calculation section.

[Claim 11] The collision determination device according to claim 10, wherein the condition changing section changes the collision determination condition by changing the vehicle length of the other vehicle in a manner approximately proportional to the radius of curvature obtained by the radius-of-curvature calculation section.

[Claim 12] The collision determination device according to claim 1, wherein the traveling direction determination section determines whether or not the other vehicle is traveling in a curved path, based on a past traveling trajectory of the other vehicle.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/139,595	06/14/2011	Jun Tsunekawa	382140US71PCT	2134
22850 7590 10/14/2011 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TRAN, KHOI H	
			ART UNIT 3664	PAPER NUMBER
			NOTIFICATION DATE 10/14/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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www.uspto.gov

OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re application of
Tsunekawa et al.
Application No. 13/139,595
Filed: June 14, 2011
For: COLLISION DETERMINATION
DEVICE

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 2, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 10/12/11



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QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE WI 53202-4497

MAILED

JUL 26 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
HOSOY, et al.	:	DECISION ON PETITION
Application No.: 13/139,667	:	
PCT No.: PCT/NO2009/000433	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 14 December 2009	:	
Priority Date: 12 December 2008	:	
Atty. Docket No.: 144630.00004	:	
For: DEVICES AND METHOD FOR EQUIPMENT	:	
FOUNDATION IN THE SEA BED	:	

The petition to revive under 37 CFR 1.137(b) filed 14 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



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J. GORDON THOMSON
P.O. BOX 8865
VICTORIA BC V8V 3Z1
CANADA

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APR 05 2012

PCT LEGAL ADMINISTRATION

In re Application of	:	
DOHERTY et al.	:	
Application No.: 13/139,699	:	DECISION
PCT No.: PCT/CA2009/001854	:	
Int. Filing Date: 15 December 2009	:	
Priority Date: 15 December 2008	:	
Attorney Docket No.: US032.01	:	
For: ASSISTIVE MOBILITY DEVICE	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 20 March 2012.

BACKGROUND

On 15 December 2009, applicant filed international application PCT/CA2009/001854 which designated the U.S. and claimed a priority date of 15 December 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 June 2011.

On 14 June 2011, applicant filed, *inter alia*, a transmittal letter for entry into the national stage in the United States and the U.S. Basic National Fee.

On 30 June 2011, the United States Designated/Elected Office (DO/EO/US) issued a Notification of Insufficient Fees (Form PCT/DO/EO/923) indicating, *inter alia*, that applicant must submit either additional claim fees, including any multiple dependent claim fee, of \$110 or cancel the additional claims for which fees are due. The Notification set a two-month extendable period for response.

On 13 March 2012, the DO/EO/US issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application is abandoned as to the United States of America for failure to reply to the Notification mailed 30 June 2011.

On 20 March 2012, applicant filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the additional claim fees were paid on 20 March 2012.

As to item (2), the petition fee was paid on 20 March 2012.

As to item (3), the requisite statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



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COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary NC 27518

PCT LEGAL ADMINISTRATION

In re Application of	:	
HERBIG	:	
Application No.: 13/139,743	:	DECISION on
PCT No.: PCT/EP08/67137	:	
Int. Filing Date: 09 December 2008	:	PETITION
Priority Date: None	:	
Attorney Docket No.: 4015-7608	:	UNDER 37 CFR 1.137(b)
For: SYSTEM-TIMING RECOVERY TECHNIQUES	:	
FOR MULTI- BRANCH RECEIVERS	:	

The petition to revive under 37 CFR 1.137(b) filed 15 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has now been provided. The required petition fee of \$1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: 571-272-3286



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Carmen Patti Law Group, LLC
One N. LaSalle Street
44th Floor
Chicago IL 60602

PCT LEGAL ADMINISTRATION

In re Application of :
Li et al. :
Serial No.: 13/139,773 :
PCT No.: PCT/CN09/72386 : DECISION ON PETITION
Int. Filing Date: 22 June 2009 :
Priority Date: 12 December 2008 : UNDER 37 CFR 1.137(b)
Attorney's Docket No.: LUC-906/ALU 804302 US :
For: A SECURE COMMUNICATION METHOD AND :
DEVICE BASED ON APPLICATION LAYER FOR :
MOBILE FINANCIAL SERVICE :

The petition to revive under 37 CFR 1.137(b) filed 15 June 2011 in the above-captioned application is hereby **GRANTED**.

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant paid the basic national fee and the petition fee. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. The declaration executed by the inventors is acceptable and in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating, *inter alia*, that the surcharge for filing the declaration and the processing fee for filing the English translation of the international application after the thirty month period is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286



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PCT LEGAL ADMINISTRATION

PARKER-HANNIFIN CORPORATION
HUNTER MOLNAR BAKER MORGAN
6035 PARKLAND BOULEVARD
CLEVELAND OH 44124-4141

In re Application of	:	
SEDERL et al.	:	
Application No.: 13/139,833	:	DECISION on
PCT No.: PCT/EP09/08983	:	
Int. Filing Date: 15 December 2009	:	PETITION
Priority Date: 15 December 2008	:	
Attorney Docket No.: 2011-06-15	:	UNDER 37 CFR 1.137(b)
For: COMPRESSED AIR OILER	:	

The petition to revive under 37 CFR 1.137(b) filed 13 September 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has now been provided. The required petition fee of \$1620 was also paid. In response to the 30 June 2011 Notification of Missing Requirements, Applicant filed the proper reply-an executed declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the declaration after the thirty month period. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date is 13 September 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: VWS-445US	Application Number (if known): 13/139,868	Filing date: September 21, 2011
--	--	--

First Named Inventor: **Malcolm Barnsley**

Title: **FAIRING FOR WIND TURBINE BLADE**

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement of Special Status

Signature **/Steven W. Benintendi/**

Date **2011-12-15**

Name (Print/Typed) **Steven W. Benintendi**

Registration Number **56,297**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/139,868	09/21/2011	Malcolm Barnsley	VWS-445US	4411
83583	7590	12/21/2011	EXAMINER	
Wood, Herron & Evans, LLP (Vestas Wind Systems) 441 Vine Street 2700 Carew Tower Cincinnati, OH 45202			ART UNIT	PAPER NUMBER
			3745	
			NOTIFICATION DATE	DELIVERY MODE
			12/21/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

amalik@whepatent.com
eobrien@whepatent.com
USPTODOCK@whepatent.com



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Wood, Herron & Evans, LLP
(Vestas Wind Systems)
441 Vine Street
2700 Carew Tower
Cincinnati OH 45202

In re Application of	:	
MALCOLM BARNESLEY	:	DECISION ON PETITION
Application No. 13/139868	:	TO MAKE SPECIAL UNDER
Filed: June 15, 2011	:	THE GREEN TECHNOLOGY
Attorney Docket No.: VWS-445US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 15, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry Yuen/

Henry Yuen
Quality Assurance Specialist
Technology Center 3700



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PCT LEGAL ADMINISTRATION

LIFE TECHNOLOGIES CORPORATION
5791 Van Allen Way
Carlsbad CA 92008

In re Application of	:	
GREENFIELD et al.	:	
Application No.: 13/139,873	:	DECISION on
PCT No.: PCT/US09/68067	:	
Int. Filing Date: 15 December 2009	:	PETITION
Priority Date: 15 December 2008	:	
Attorney Docket No.: IVGN 1031 US	:	UNDER 37 CFR 1.137(b)
For: STABLE COMPOSITIONS COMPRISING	:	
CHROMOGENIC COMPOUNDS AND METHODS OF USE	:	

The petition to revive under 37 CFR 1.137(b) filed 12 July 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has now been provided. The required petition fee of \$1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, are required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	TBD	Filing date:	Herewith
First Named Inventor:	Parviz DANESHGARI		
Title of the Invention:	MODULAR CONTAINER AND FUEL SUPPLY METHOD		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML			

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/022813

The international filing date of the corresponding PCT application(s) is/are: February 2, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	
First Named Inventor:	Parviz DANESHGARI

- ☒ Is attached
- ☐ Has already been filed in the above-identified U.S. application on

- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on _____

[illegible]

Signature <u>/MichaelMalinzak/</u>	Date <u>June 15, 2011</u>
Name (Print/Typed) <u>Michael Malinzak</u>	Registration Number <u>43,770</u>

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

MAILED

JUN 24 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
SCHAUER, Manfred	:	
Application No.: 13/140,067	:	
PCT No.: PCT/EP09/07749	:	
Int. Filing Date: 29 October 2009	:	DECISION ON PETITION
Priority Date: 29 October 2008	:	UNDER 37 CFR 1.137(b)
ATTY Docket No.: H2184US; 67267-035US1	:	
For: SYNCHRONIZER HUB	:	
	:	
	:	
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This decision is in response to applicant's PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) in application serial number 13/140,067. The petition was filed in the United States Patent and Trademark Office (USPTO) on 16 June 2011.

BACKGROUND

On 21 January 2009, applicant filed international application, PCT/EP09/07749, claiming priority to a European Application dated 29 October 2008.

The thirty-month period for paying the basic national fee in the United States expired on 29 April 2011. This application became abandoned with respect to the United States at midnight on 29 April 2011 for failure to pay the required basic national fee and providing the documents as required by 35 U.S.C. 371 (c).

On 16 June 2011, applicant submitted national stage papers with the United States Designated/Elected Office (DO/EO/US) along with the required basic national filing fee, petition fee, and petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

- (1) The required reply, unless previously filed;
- (2) The petition fee as set forth in 37 CFR 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and,
- (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) required pursuant to 37 CFR 1.137(d).

The required reply in a national stage application abandoned for failure to pay the required basic national fee and documents as required by 35 U.S.C. 371 (c), may be met by submitting the basic national fee and the national stage application documents.

Regarding item (1), applicant has provided the required reply.

Regarding item (2), applicant has paid the \$1620 petition fee.

Regarding item (3), the statement satisfies the requirement.

Regarding item (4), because the international application was filed after 8 June 1995, no terminal disclaimer is required.

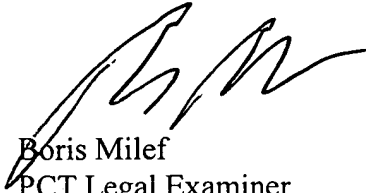
Accordingly, the petition is deemed to satisfy the requirements under 37 CFR 1.137(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Gwendolyn Blackwell
PCT Legal Detailee
Office of PCT Legal Administration
Tel: (571) 272-6094


Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration



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THE GRIFFITH LAW FIRM, A P.C.
991C Lomas Santa Fe Drive
Suite 450
Solana Beach CA 92075

PCT LEGAL ADMINISTRATION

In re Application of:	:	
MCGUIRE, James, E., et al.	:	
U.S. Application No.: 13/140,104	:	DECISION ON PETITION UNDER
PCT No.: PCT/US2010/20402	:	37 CFR 1.137(b)
International Filing Date: 07 January 2010	:	
Priority Date: 07 January 2009	:	
Attorney's Docket No.: entrotech 08-0009-US	:	
For: CHLORHEXIDINE-CONTAINING	:	
ANTIMICROBIAL LAMINATES	:	

The petition for revival under 37 CFR 1.137(b) filed 15 July 2011 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2010/20402 became abandoned with respect to the United States at midnight on 07 July 2011 based on applicants' failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.¹

The petition for revival under 37 CFR 1.137(b) was accompanied by payment of the petition fee and the "required reply" in the form of payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

¹ Applicants filed materials to initiate the present national stage application on 16 June 2011; however, the submission did not include the required fee payment.



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DARDI & HERBERT, PLLC
MOORE LAKE PLAZA, SUITE 205
1250 EAST MOORE LAKE DRIVE
FRIDLEY, MN 55432

MAILED

MAR 14 2012

OFFICE OF PETITIONS

Applicant: Harald Mischak
Appl. No.: 13/140,106
International Filing Date: December 17, 2009
Title: AUTOSOMAL-DOMINANT POLYCYSTIC KIDNEY DISEASE (ADPKD)
Attorney Docket No.: 3581.39US01
Pub. No.: 2011/0297543 A1
Pub. Date: December 8, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on January 30, 2012, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the publication does not contain the correct foreign priority information and the assignee's name is misspelled.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error in the foreign application priority data on the front page of the publication may be an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). Likewise, the instant request does not identify a material mistake in the publication with respect to the name of the assignee. The errors are not considered material mistakes because neither affects the public's ability to appreciate the technical disclosure of the patent application publication, to determine

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130.

Applicants are encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center): Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication”.

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions



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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

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AUG 17 2011

In re Application of	:	DECISION ON PCT LEGAL ADMINISTRATION
WOUTER et al	:	
Application No.: 13/140,111	:	
PCT No.: PCT/EP2009/063108	:	
Int. Filing Date: 8 October 2009	:	PETITION UNDER
Priority Date: 10 October 2008	:	
Attorney's Docket No.: S176.12-0009	:	
For: MULTI-TRACK HELICAL CONVEYOR	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 16 June 2011.

BACKGROUND

On 8 October 2009, this international application was filed, claiming an earliest priority date of 10 October 2009.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 10 April 2011. This international application became abandoned with respect to the United States at midnight on 10 April 2011 for failure to pay the required basic national fee.

On 16 June 2011, applicants filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

In addition, it is noted that applicants provided the publication number rather than the international application number PCT/EP2009/063108 on the transmittal letter but the international application has been provided correctly on the Electronic Acknowledgement Receipt and the petition. As a result, the PCT/EP2009/063108 will be use in processing aforementioned application.

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **16 June 2011**.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	13/140,158	Filing Date:	June 16, 2011
First Named Inventor:	Syuzo HASHIMOTO et al.		
Attorney Docket No.:	149392		
Title of the Invention:	VEHICLE SEAT CONTROL APPARATUS AND CONTROL METHOD THEREOF		
<p>THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML.</p>			
<p>APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.</p>			
<p>The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.</p>			
<p>The corresponding PCT application number(s) is/are:</p>		<p>PCT/IB2009/007836</p>	
<p>The international date of the corresponding PCT application(s) is/are:</p>		<p>December 21, 2009</p>	
<p>I. List of Required Documents:</p>			
<p>a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)</p>			
<p><input type="checkbox"/> Is attached.</p>			
<p><input checked="" type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p>			
<p>b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).</p>			
<p><input checked="" type="checkbox"/> Is attached.</p>			
<p><input type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p>			
<p>c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.</p>			

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13/140,158
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First Named Inventor:	Syuzo HASHIMOTO et al.
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- d. (1) **An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on June 16, 2011

- (2) **Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on June 16, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	U.S. claim 1 substantially corresponds to PCT claim 1 searched by the EPO.
2	2	U.S. claim 2 substantially corresponds to PCT claim 2 searched by the EPO.
3	3	U.S. claim 3 substantially corresponds to PCT claim 3 searched by the EPO.
4	4	U.S. claim 4 substantially corresponds to PCT claim 4 searched by the EPO.
5	5	U.S. claim 5 substantially corresponds to PCT claim 5 searched by the EPO.
6	6	U.S. claim 6 substantially corresponds to PCT claim 6 searched by the EPO.
7	7	U.S. claim 7 substantially corresponds to PCT claim 7 searched by the EPO.
8	8	U.S. claim 8 substantially corresponds to PCT claim 8 searched by the EPO.
9	9	U.S. claim 9 substantially corresponds to PCT claim 9 searched by the EPO.
10	10	U.S. claim 10 substantially corresponds to PCT claim 10 searched by the EPO.
11	11	U.S. claim 11 substantially corresponds to PCT claim 11 searched by the EPO.
12	12	U.S. claim 12 substantially corresponds to PCT claim 12 searched by the EPO.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date June 23, 2011
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) Vitaliy Orekhov	Registration Number 66,731

[Page 2 of 2]

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry of this filing;
Charge any fee due to our
Deposit Account No. 15-0461

CLAIMS:

1. A vehicle seat control apparatus comprising:

an adjusting device that adjusts a reclining angle of a seat back of a vehicle seat;
and

a control portion that controls the adjusting device,

wherein when adjusting the reclining angle, the control portion controls the adjusting device to start adjusting the reclining angle at a first speed, and then after a predetermined period of time passes, the control portion controls the adjusting device to adjust the reclining angle at a second speed that is faster than the first speed.

2. The vehicle seat control apparatus according to claim 1, further comprising:

an operating portion that is operated by an occupant and instructs the adjusting device to make an adjustment,

wherein the control portion controls the adjusting device to start adjusting the reclining angle at the first speed when there is an instruction to make the adjustment from the operating portion.

3. The vehicle seat control apparatus according to claim 1 or 2, wherein

when the control portion controls the adjusting device to stop adjusting the reclining angle, the control portion controls the adjusting device to stop the adjustment after gradually decreasing an adjusting speed.

4. The vehicle seat control apparatus according to any one of claims 1 to 3, further comprising:

a collision predicting portion that predicts a collision,

wherein when the collision is predicted by the collision predicting portion, the control portion controls the adjusting device to start adjusting the reclining angle at a

third speed that is faster than the first speed, and then after a predetermined period of time passes, the control portion controls the adjusting device to adjust the reclining angle at a fourth speed that is faster than the third speed, such that the reclining angle comes to match a target angle.

5. The vehicle seat control apparatus according to claim 4, wherein
the control portion controls the adjusting device to stop the reclining angle at the target angle after gradually decreasing the adjusting speed before the reclining angle reaches the target angle.

6. The vehicle seat control apparatus according to claim 4 or 5, wherein
a zone between the reclining angle when the adjustment is started and the target angle includes a preset first zone immediately after the adjustment of the reclining angle is started, a preset second zone immediately before the reclining angle reaches the target angle, and a third zone in between the first zone and the second zone; and

the control portion controls the adjusting device such that an adjusting speed of the adjusting device in at least one of the first zone and the second zone is slower than the adjusting speed in the third zone.

7. The vehicle seat control apparatus according to claim 6, wherein
the collision predicting portion calculates a predicted time-to-collision that is a predicted time until the collision occurs;

the control portion determines whether the reclining angle is able to be adjusted to the target angle within the predicted time-to-collision; and

the control portion controls the adjusting device to prohibit the adjustment at the third speed and start the adjustment at the fourth speed, when the control portion determines that the reclining angle is unable to be adjusted to the target angle within the predicted time-to-collision.

8. The vehicle seat control apparatus according to claim 7, wherein

the control portion predicts an operating time of the adjusting device based on an angular difference between the reclining angle and the target angle, and the adjusting speed of the adjusting device, and determines whether the reclining angle is able to be adjusted to the target angle within the predicted time-to-collision based on a predicted operating time and the predicted time-to-collision.

9. The vehicle seat control apparatus according to claim 7 or 8, wherein

the collision predicting portion updates the predicted time-to-collision; and

the control portion determines whether the reclining angle is able to be adjusted to the target angle within an updated predicted time-to-collision based on the updated predicted time-to-collision, and controls the adjusting device based on a determination result determined by the control portion.

10. The vehicle seat control apparatus according to claim 9, wherein

after the control portion controls the adjusting device to prohibit the adjustment at the third speed and start the adjustment at the fourth speed, the control portion controls the adjusting device such that the adjusting speed in the second zone becomes slower than the adjusting speed in the third zone when it is determined that the reclining angle is able to be adjusted to the target angle within the updated predicted time-to-collision.

11. The vehicle seat control apparatus according to any one of claims 1, 2, 4, and 6 to 10, wherein

when the control portion controls the adjusting device to change an adjusting speed of the adjusting device, the control portion controls the adjusting device such that the adjusting speed changes gradually.

12. A control method of a vehicle seat control apparatus, comprising:

adjusting a reclining angle of a seat back;

starting to adjust the reclining angle at a first speed when adjusting the reclining angle; and

adjusting the reclining angle at a second speed that is faster than the first speed after a predetermined period of time passes after starting an adjustment of the reclining angle.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/140,158		Syuzo HASHIMOTO	149392	6279
25944	7590	08/22/2011		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER	
			ART UNIT	PAPER NUMBER
			3636	
			NOTIFICATION DATE	DELIVERY MODE
			08/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

In re application of	:	DECISION ON REQUEST TO
Christian Laursen	:	PARTICIPATE IN PATENT
Application No. 13/140,158	:	PROSECUTION HIGHWAY
Filed: June 24, 2011	:	PROGRAM AND PETITION
For: WIND TURBINE TOWER	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 24, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed June 24, 2011. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/18/11

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No: _____ Filing date: **June 16, 2011**

First Named Inventor: **Jon Henrik Falk**

Title of the Invention: **A Method for Mounting Façade Elements on a Multi-Storey Building**

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: **PCT/EP2009/067481**

The international filing date of the corresponding PCT application(s) is/are: **December 18, 2009**

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:

First Named Inventor: Jon Henrik Falk

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.



Is attached



Has already been filed in the above-identified U.S. application on _____

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)



Are attached.

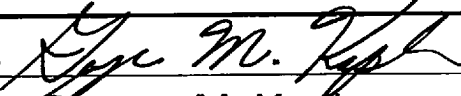


Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	
2	2	
3	3	depends from Claim 1 to eliminate multiple dependency
4	4	depends from Claim 1 to eliminate multiple dependency
5	5	depends from Claim 3 to eliminate multiple dependency
6	6	depends from Claim 1 to eliminate multiple dependency
7	7	
8	8	depends from Claim 1 to eliminate multiple dependency
9	9	depends from Claim 1 to eliminate multiple dependency
10	10	depends from Claim 1 to eliminate multiple dependency
11	11	depends from Claim 1 to eliminate multiple dependency
12	12	depends from Claim 10 and includes recitation from Claim 11 to eliminate multiple dependency
13	13	depends from Claim 9 and includes recitation from Claim 11 to eliminate multiple dependency
14	14	depends from Claim 1 to eliminate multiple dependency
15	15	depends from Claim 1 to eliminate multiple dependency
16	16	depends from Claim 1 to eliminate multiple dependency
17	3	depends from Claim 2
18	4	depends from Claim 17
19 & 20	4 & 4 respectively	depends from Claims 3 and 2 respectively

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date June 16, 2011
Name (Print/Typed) George M. Kaplan	Registration Number 28,375

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 13 2011

PCT LEGAL ADMINISTRATION

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of
ITOH et al.

Application No.: 13/140,213

PCT No.: PCT/JP09/71519

Int. Filing Date: 17 December 2009

Priority Date: 17 December 2008

Attorney Docket No.: Q124889

For: ALUMINUM COMPLEXES AND USE THEREOF;
AS A CATALYST IN INTRAMOLECULAR RING
CLOSURE REACTIONS

DECISION ON PETITION

UNDER 37 CFR 1.181

This is a decision on applicant's petition under 37 CFR 1.181 regarding a correction in the inventor's name filed in the United States Patent and Trademark Office on 11 July 2011.

Applicant is notifying the Office that the name of the first inventor is Hisanori *Itoh* as indicated on the Combined Declaration and Power of Attorney rather than Hisanori *Ito* as indicated on the published international application. For the reasons set forth below, applicant's request under 37 CFR 1.181 is **GRANTED**. No petition fee is due.

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Here, applicant's 11 July 2011 submission states that the name of the first inventor was listed incorrectly on the published international application and that the spelling of this inventor's name on the declaration is correct. Applicant's statement is construed that the spelling error contained in the published international application resulted from a typographical error. Accordingly, applicant's explanation of the difference in the spelling of the first inventor's name is accepted as Hisanori *Itoh* and noted for the record. The declaration/power of attorney filed 16 June 2011 complies with 37 CFR 1.497(a) and (b).

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SEP 13 2011

PCT LEGAL ADMINISTRATION

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of
ITOH et al.

Application No.: 13/140,213

PCT No.: PCT/JP09/71519

Int. Filing Date: 17 December 2009

Priority Date: 17 December 2008

Attorney Docket No.: Q124889

For: ALUMINUM COMPLEXES AND USE THEREOF:
AS A CATALYST IN INTRAMOLECULAR RING
CLOSURE REACTIONS

DECISION ON PETITION

UNDER 37 CFR 1.182

This is a decision on applicant's petition under 37 CFR 1.181 regarding a correction in the inventor's name filed in the United States Patent and Trademark Office on 11 July 2011.

Applicant is notifying the Office that the name of the first inventor is Hisanori *Itoh* as indicated on the Combined Declaration and Power of Attorney rather than Hisanori *Ito* as indicated on the published international application. For the reasons set forth below, applicant's request under 37 CFR 1.181 is **GRANTED**. No petition fee is due.

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Here, applicant's 11 July 2011 submission states that the name of the first inventor was listed incorrectly on the published international application and that the spelling of this inventor's name on the declaration is correct. Applicant's statement is construed that the spelling error contained in the published international application resulted from a typographical error. Accordingly, applicant's explanation of the difference in the spelling of the first inventor's name is accepted as Hisanori *Itoh* and noted for the record. The declaration/power of attorney filed 16 June 2011 complies with 37 CFR 1.497(a) and (b).

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286



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P.O. Box 1450
Alexandria, VA 22313-1450
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AXINN, VELTROP & HARKRIDER LLP
Attn. Michael A. Davitz
114 West 47th Street
New York NY 10036

MAILED

JUN 27 2011

PCT LEGAL ADMINISTRATION

In re Application of
GAINER, Erin
Application No.: 13/140,219
PCT No.: PCT/EP09/066652
Int. Filing Date: 8 December 2009
Priority Date: 8 December 2008
ATTY Docket No.: 3092-017
For: ULIPRISTAL ACETATE TABLETS

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This decision is in response to applicant's PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) in application serial number 13/140,219. The petition was filed in the United States Patent and Trademark Office (USPTO) on 16 June 2011.

BACKGROUND

On 8 December 2009, applicant filed international application, PCT/EP09/066652, claiming priority to a United States Application dated 8 December 2008.

The thirty-month period for paying the basic national fee in the United States expired on 8 June 2011. This application became abandoned with respect to the United States at midnight on 8 June 2011 for failure to pay the required basic national fee and providing the documents as required by 35 U.S.C. 371 (c).

On 16 June 2011, applicant submitted national stage papers with the United States Designated/Elected Office (DO/EO/US) along with the required basic national filing fee, petition fee, and petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

- (1) The required reply, unless previously filed;
- (2) The petition fee as set forth in 37 CFR 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and,
- (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) required pursuant to 37 CFR 1.137(d).

The required reply in a national stage application abandoned for failure to pay the required basic national fee and documents as required by 35 U.S.C. 371 (c), may be met by submitting the basic national fee and the national stage application documents.

Regarding item (1), applicant has provided the required reply.

Regarding item (2), applicant has paid the \$1620 petition fee.

Regarding item (3), the statement satisfies the requirement.

Regarding item (4), because the international application was filed after 8 June 1995, no terminal disclaimer is required.


Accordingly, the petition is deemed to satisfy the requirements under 37 CFR 1.137(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Gwendolyn Blackwell
PCT Legal Detailee
Office of PCT Legal Administration
Tel: (571) 272-6094



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

AUG 12 2011

PCT LEGAL ADMINISTRATION

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

In re Application of :
WERTHEN, Jon Micheal, et al. :
Application No.: 13/140,400 :
PCT No.: PCT/NL2009/050740 :
Int. Filing Date: 04 December 2009 :
Priority Date: 04 December 2008 :
Att. Docket No.: PTNT-006 :
For: SANDWICH PANEL, SUPPORT :
MEMBER FOR USE IN A SANDWICH: :
PANEL AND AIRCRAFT PROVIDED :
WITH SUCH A SANDWICH PANEL :

DECISION

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 16 June 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The fee for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 50-0815, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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P.O. Box 1450
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CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE, NY 11747

MAILED

SEP 28 2011

PCT LEGAL ADMINISTRATION

In re Application of PLANT	:	
U.S. Application No.: 13/140,438	:	
PCT Application No.: PCT/EP2009/067669	:	DECISION
Int. Filing Date: 29 December 2009	:	
Priority Date Claimed: 19 December 2008	:	
Attorney Docket No.: 1315-71 PCT US	:	
For: ENERGY ABSORBING SYSTEM	:	

This is in response to applicant's petition under 37 CFR 1.182 filed 27 July 2011.

BACKGROUND

On 29 December 2009, applicant filed international application PCT/EP2009/067669, which claimed priority of an earlier United Kingdom application filed 19 December 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 08 July 2010. The thirty-month period for paying the basic national fee in the United States expired on 19 June 2011.

On 17 June 2011, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO. The Electronic Acknowledgement Receipt indicates that applicant identified the international application number as "PCT/US09/67669" in the EFS-Web user interface. However, the applicant's name and the title of invention are inconsistent with the bibliographic data for international application number PCT/US2009/067669.

On 19 July 2011, this Office mailed a communication which identified the above-noted discrepancy.

On 27 July 2011, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant inadvertently entered the wrong international application number into the EFS-Web user interface and that the correct international application number is PCT/EP2009/067669. Because the 17 June 2011 papers contained at least one document which listed international application number PCT/EP2009/06766, correction of the application is permissible. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 December 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 June 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA, PA 19103-3508

MAILED

MAR 07 2012

OFFICE OF PETITIONS

In re Application of Perret et al. :
Application No. 13/140,474 :
Int'l Filing Date: December 18, 2009 :
Attorney Docket No. PERSC915-100 :
Pub. No. US 2011/0306786 A1 :
Pub. Date: December 15, 2011 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed January 24, 2012.

The request is **dismissed**.

Applicants request the application be republished because of the mistakes in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

[Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake-affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The mistakes identified in the instant request are not material mistakes as required under 37 C.F.R. § 1.221(b). Specifically, the mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent

¹ See Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). See also Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a “request for republication of an application previously published” may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office’s electronic filing system requirements, the publication fee set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i). If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a “Pre-Grant Publication” and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

The request is signed by Mr. Michael B. Fein. Mr. Fein does not appear to be an attorney or agent of record in this case and the address listed in the request is different than the address of record. A courtesy copy of this decision is being mailed to Mr. Fein at the address in the petition. However, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Christopher Bottorff
Petitions Examiner
Office of Petitions

cc: Michael B. Fein
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place
50 South 16th Street, 22nd Floor
Philadelphia, PA 19102



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

MAILED

SEP 30 2011

OFFICE OF PETITIONS

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

In re Application of	:	
Schwager	:	
Application No. 13/140,492	:	DECISION ON PETITION
Filed: June 17, 2011	:	PURSUANT TO
Attorney Docket No.: 50269-	:	37 C.F.R. § 1.28(c)
P04791US01	:	
Title: ANTIGENS ASSOCIATED WITH	:	
ENDOMETRIOSIS, PSORIATIC	:	
ARTHRITIS AND PSORIASIS	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on August 10, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, the small entity fees that were actually paid, the deficiency owed amounts, and the total deficiency payment owed.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment of \$1,314.00 will be charged to Deposit Account No. 04-1406 in due course, as authorized on the second page of the petition.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Application of Mo-Huang Li et al. :
Application No. 13/140,504 :
Int'l Filing Date: December 19, 2008 :
Attorney Docket No. S1507.70036US00 :
Pub. No. US 2011/0250649 A1 :
Pub. Date: October 13, 2011 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed December 9, 2011.

The request is **granted**.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Telephone inquiries regarding this communication may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE SWEDISH PATENT AND REGISTRATION OFFICE (PRV) AND THE USPTO

Application No:		Filing date:	
First Named Inventor:	Lars-Erik Skyitt		
Title of the Invention: Centrifugal Separator With Lubrication Device			

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/SE2009/051418

The international filing date of the corresponding PCT application(s) is/are: December 15, 2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE PRV AND THE USPTO

Application No.:	
First Named Inventor:	Lars-Erik Skyitt

- ☒ Is attached
- ☐ Has already been filed in the above-identified U.S. application on _____

- ☒ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on _____

[illegible]

Signature /Richard R. Michaud/	Date June 17, 2011
Name (Print/Typed) Richard R. Michaud	Registration Number 40088

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Eugenia S. Hansen
Hemingway & Hansen, LLP
1700 Pacific Avenue
Suite 4800
Dallas TX 75201

MAILED

MAR 26 2012

OFFICE OF PETITIONS

In re Application of	:	
Eugene B. Guthery	:	
Application No. 13/140,559	:	
Filed: September 13, 2011	:	DECISION ON PETITION
Attorney Docket No. GJPM 00103 PTUS	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 24, 2012, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the inventor. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1655 for action on the merits commensurate with this decision.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED

MAR 12 2012

OFFICE OF PETITIONS

In re Application of
Joo et al.

Application No. 13/140,652

Filed: 06/17/2011

Attorney Docket No.
Q125174

ON PETITION

This is in response to the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 C.F.R. § 1.84, filed in the United States Patent and Trademark Office (USPTO) on June 17, 2011, which is treated as a petition to accept color drawings under 37 CFR 1.84(a)(2).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners assert that the use of color drawings is necessary and essential to disclose the features of the invention.

Petitioners' argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

Further correspondence with respect to this matter should be addressed as follows:

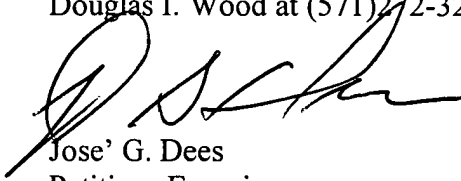
By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2875.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

A handwritten signature in black ink, appearing to read 'Jose' G. Dees', is written over the printed name and title.

Jose' G. Dees
Petitions Examiner
Office of Petitions

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE
USPTO**

Application No:	13/140,658	Filing date:	17 JUNE 2011
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First Named Inventor:	Tadaya OKADA
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Title of the Invention:	CYLINDRICAL ALKALINE BATTERY
----------------------------	------------------------------

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT
[HTTP://WWW.USPTO.GOV/EFW/EFW_HELP.HTML](http://www.uspto.gov/efw/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT
application number(s) is/are:** PCT/JP2010/007158

**The international date of the corresponding
PCT application(s) is/are:** 9 DECEMBER, 2010

I. List of Required Documents:

**a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

**b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the
above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

**c. English translations of the documents in a. and b. above are attached (if the documents are not in the English
language). A statement that the English translation is accurate is attached for the document in b. above.**

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.: 13/140,658

First Named Inventor: Tadayu OKADA

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 17 JUNE 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 17 JUNE 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same, except US claim not multiple dependent
4	4	Same, except US claim not multiple dependent
5	5	Same
6	6	Same, except US claim not multiple dependent
7	7	Same, except US claim not multiple dependent
8	8	Same, except US claim not multiple dependent
9	9	Same, except US claim not multiple dependent
10	10	Same, except US claim not multiple dependent

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 8 AUGUST, 2011
Name (Print/Typed) Michael E. Fogarty	Registration Number 36,139

VERIFICATION OF TRANSLATION

I, the below named translator, hereby declare:

1. That my name and address are as stated below;
2. That I am a competent with the English and Japanese languages, and to the best of my knowledge and belief the translation of the Claims of PCT Application and the Written Opinion of the International Search Report (WOISA), in which the Claims of PCT Application were indicated as having novelty, inventive step and industrial applicability in the below-identified corresponding PCT Application: PCT/JP2010/007158, in a true and complete translation.

Full name of the translator: Kazuo ISHII

Signature of the translator: 

Address: c/o ISHII PATENT OFFICE, KITAHAMA-YAMAMOTO
BUILDING, 3-6, KITAHAMA 2-CHOME, CHUO-KU, OSAKA 541-0041
JAPAN

Date:

July 22, 2011

Written Opinion of

International Searching Authority

International Application No.

PCT/JP2010/007158

Box No. V: Opinion established under PCT Rule 43bis.1(a)(i) with regard to the criteria of novelty (N), inventive step (IS), and industrial applicability (IA), and documents & description supporting the above

1. Opinion

Novelty (N)	Claims 1-10	Yes
	Claims	No
Inventive Step (IS)	Claims 1-10	Yes
	Claims	No
Industrial Applicability (IA)	Claims 1-10	Yes
	Claims	No

2. Documents & Description

Document 1: JP 2009-158257 A (Panasonic Corporation) 2009, July 16
Document 2: JP 2010-123319 A (Panasonic Corporation) 2010, June 3
Document 3: JP 2005-322613 A (Hitachi Maxell, Ltd.) 2005, November 17
Document 4: JP 2009-259706 A (Panasonic Corporation) 2009, November 5
Document 5: JP 8-509095 A (Duracell International, Inc.) 1996, September 24
Document 6: JP 2009-163982 A (Panasonic Corporation) 2009, July 23
Document 7: JP 2003-502808 A (The Gillette Company) 2003, January 21

● Claims 1-10 have novelty and inventive step over all of the above documents cited in the International Search Report.

● The "cylindrical alkaline battery" recited in Claims 1-10 is neither described nor suggested in any of the above documents cited in the International Search Report.

特許協力条約

発信人 日本国特許庁 (国際調査機関)

代理人 石井 和郎 様 あて名 〒541-0041 日本国大阪府大阪市中央区北浜2丁目3番6号 北 浜山本ビル		PCT 国際調査機関の見解書 (法施行規則第40条の2) [PCT規則43の2.1]	
発送日 (日.月.年) 08.03.2011			
出願人又は代理人 の書類記号 P603741P0		今後の手続きについては、下記2を参照すること。	
国際出願番号 PCT/J P 2010/007158	国際出願日 (日.月.年) 09.12.2010	優先日 (日.月.年) 13.10.2010	
国際特許分類 (IPC) Int.Cl. H01M6/08(2006.01)i, H01M4/06(2006.01)i, H01M4/50(2010.01)i			
出願人 (氏名又は名称) パナソニック株式会社			
1. この見解書は次の内容を含む。 <input checked="" type="checkbox"/> 第I欄 見解の基礎 <input type="checkbox"/> 第II欄 優先権 <input type="checkbox"/> 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成 <input type="checkbox"/> 第IV欄 発明の単一性の欠如 <input checked="" type="checkbox"/> 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明 <input type="checkbox"/> 第VI欄 ある種の引用文献 <input type="checkbox"/> 第VII欄 国際出願の不備 <input type="checkbox"/> 第VIII欄 国際出願に対する意見 2. 今後の手続き 国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。 この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。 さらなる選択肢は、様式PCT/ISA/220を参照すること。 3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。			
見解書を作成した日 25.02.2011			
名称及びあて先 日本国特許庁 (ISA/J P) 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号		特許庁審査官 (権限のある職員) 長谷川 真一 電話番号 03-3581-1101 内線 3477	4X 4038

様式PCT/ISA/237 (表紙) (2009年7月)

第 I 欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。
- ☒ 出願時の言語による国際出願
- ☐ 出願時の言語から国際調査のための言語である _____ 語に翻訳された、この国際出願の翻訳文 (PCT規則12.3(a)及び23.1(b))
2. ☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT規則 43 の 2.1(b))。
3. この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。
- a. 提出手段 ☐ 紙形式
- ☐ 電子形式
- b. 提出時期 ☐ 出願時の国際出願に含まれていたもの
- ☐ この国際出願と共に電子形式により提出されたもの
- ☐ 出願後に、調査のために、この国際調査機関に提出されたもの
4. ☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。
5. 補足意見：

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、
それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求項	1-10	有
	請求項		無
進歩性 (IS)	請求項	1-10	有
	請求項		無
産業上の利用可能性 (IA)	請求項	1-10	有
	請求項		無

2. 文献及び説明

文献1 : JP 2009-158257 A (パナソニック株式会社) 2009.07.16
文献2 : JP 2010-123319 A (パナソニック株式会社) 2010.06.03
文献3 : JP 2005-322613 A (日立マクセル株式会社) 2005.11.17
文献4 : JP 2009-259706 A (パナソニック株式会社) 2009.11.05
文献5 : JP 8-509095 A (デュラセル インコーポレイテッド) 1996.09.24
文献6 : JP 2009-163982 A (パナソニック株式会社) 2009.07.23
文献7 : JP 2003-502808 A (ザ ジレットカンパニー) 2003.01.21

・請求項1-10は、国際調査報告で引用した上記いずれの文献に対しても、新規性及び進歩性を有する。

請求項1-10に記載の「円筒型アルカリ電池」は、国際調査報告で引用した上記いずれの文献にも記載されていないし、また、示唆もされていない。

[CLAIMS]

[Claim 1] A cylindrical alkaline battery comprising:

a cylindrical battery case with a bottom;
a cylindrical positive electrode contained in the battery case, the positive electrode having a hollow and including manganese dioxide and graphite;
a negative electrode packed in the hollow of the positive electrode, the negative electrode including zinc or a zinc alloy;

a separator interposed between the positive electrode and the negative electrode;

a negative electrode current collector rod inserted into the negative electrode; and

an alkaline electrolyte,

wherein the packing density D_c of the manganese dioxide in the positive electrode is 2.8 to 3 g/cm³,

the packing density D_a of the zinc or zinc alloy in the negative electrode is 2 to 2.3 g/cm³, and

the packing density D_c of the manganese dioxide, the packing density D_a of the zinc or zinc alloy, the thickness T_c of the positive electrode in a radial direction, and the thickness T_a of the negative electrode in a radial direction satisfy one of the following relational formulas (1) to (3):

$$\begin{aligned} & -1.975 \times (T_c/T_a) + 2.745 < D_c/D_a < -1.690 \times (T_c/T_a) \\ & + 2.734 \qquad (1) \end{aligned}$$

$$-11.652 \times (Tc/Ta)^2 + 14.470 \times (Tc/Ta) - 3.095 < Dc/Da$$

$$< 11.652 \times (Tc/Ta)^2 - 18.420 \times (Tc/Ta) + 8.585 \quad (2)$$

$$-8.895 \times (Tc/Ta)^2 + 12.864 \times (Tc/Ta) - 3.258 < Dc/Da$$

$$< 8.895 \times (Tc/Ta)^2 - 16.244 \times (Tc/Ta) + 8.726 \quad (3)$$

[Claim 2] The cylindrical alkaline battery in accordance with claim 1, wherein the content of the graphite in the positive electrode is 3 to 10 parts by weight per 100 parts by weight of the manganese dioxide.

[Claim 3] The cylindrical alkaline battery in accordance with claim 1 or 2, wherein the zinc or zinc alloy contains 25 to 38% by weight of particles with a particle size of 75 μ m or less.

[Claim 4] The cylindrical alkaline battery in accordance with any one of claims 1 to 3, wherein the potential of the manganese dioxide in a potassium hydroxide aqueous solution of 20°C having a concentration of 40% by weight is 290 to 350 mV relative to a Hg/HgO mercury oxide reference electrode.

[Claim 5] The cylindrical alkaline battery in accordance with claim 4, wherein the potential of the manganese dioxide in the potassium hydroxide aqueous solution of 20°C having the concentration of 40% by weight is 300 to 325 mV relative to the Hg/HgO mercury oxide reference electrode.

[Claim 6] The cylindrical alkaline battery in accordance with any one of claims 1 to 5, wherein the ratio $P1/P2$ of the mean particle size $P1$ of the manganese dioxide to the mean particle size $P2$ of the graphite is from 3.5 to 5.5.

[Claim 7] The cylindrical alkaline battery in accordance with any one of claims 1 to 6, wherein the zinc or zinc alloy contains 50% by weight or more of particles with an aspect ratio of from 2 to 5.

[Claim 8] The cylindrical alkaline battery in accordance with any one of claims 1 to 7, wherein the thickness of the cylindrical portion of the battery case is 0.15 to 0.2 mm.

[Claim 9] The cylindrical alkaline battery in accordance with any one of claims 1 to 8, wherein the alkaline electrolyte is a potassium hydroxide aqueous solution having a concentration of 30 to 35% by weight.

[Claim 10] The cylindrical alkaline battery in accordance with any one of claims 1 to 8, wherein the alkaline electrolyte is a potassium hydroxide aqueous solution having a concentration of 33 to 38% by weight.

請求の範囲

[請求項1]

有底円筒形の電池ケースと、
 前記電池ケースに収納される、二酸化マンガンおよび黒鉛を含む中空円筒状の正極と、
 前記正極の中空部に充填された、亜鉛または亜鉛合金を含む負極と、
 、
 前記正極と前記負極との間に配されるセパレータと、
 前記負極に挿入される棒状の負極集電体と、
 アルカリ電解液と、
 を備えた円筒型アルカリ電池であって、
 前記正極中の前記二酸化マンガンの充填密度 D_c が、 $2.8 \sim 3 \text{ g/cm}^3$ であり、
 前記負極中の前記亜鉛または亜鉛合金の充填密度 D_a が、 $2 \sim 2.3 \text{ g/cm}^3$ であり、
 前記二酸化マンガンの充填密度 D_c 、前記亜鉛または亜鉛合金の充填密度 D_a 、前記正極の径方向の厚み T_c 、および前記負極の径方向の厚み T_a は、関係式 (1) :

$$-1.975 \times (T_c/T_a) + 2.745 < D_c/D_a < -1.690 \times (T_c/T_a) + 2.734$$

 、関係式 (2) :

$$-11.652 \times (T_c/T_a)^2 + 14.470 \times (T_c/T_a) - 3.095 < D_c/D_a < 11.652 \times (T_c/T_a)^2 - 18.420 \times (T_c/T_a) + 8.585$$

 、または関係式 (3) :

$$-8.895 \times (T_c/T_a)^2 + 12.864 \times (T_c/T_a) - 3.258 < D_c/D_a < 8.895 \times (T_c/T_a)^2 - 16.244 \times (T_c/T_a) + 8.726$$

 のいずれかを満たすことを特徴とする円筒型アルカリ電池。

- [請求項2] 前記正極中の黒鉛の含有量は、前記二酸化マンガン100重量部あたり3～10重量部である請求項1に記載の円筒型アルカリ電池。
- [請求項3] 前記亜鉛または亜鉛合金は、粒径75 μ m以下の粒子を25～38重量%含む請求項1または2に記載の円筒型アルカリ電池。
- [請求項4] 前記二酸化マンガンの電位は、20℃の濃度40重量%の水酸化カリウム水溶液中において、酸化水銀：Hg/HgOの参照電極に対して290～350mVである請求項1～3のいずれかに記載の円筒型アルカリ電池。
- [請求項5] 前記二酸化マンガンの電位は、20℃の濃度40重量%の水酸化カリウム水溶液中において、酸化水銀：Hg/HgOの参照電極に対して300～325mVである請求項4に記載の円筒型アルカリ電池。
- [請求項6] 前記二酸化マンガンの平均粒径P1と、前記黒鉛の平均粒径P2との比：P1/P2が、3.5～5.5である請求項1～5のいずれかに記載の円筒型アルカリ電池。
- [請求項7] 前記亜鉛または亜鉛合金は、アスペクト比が2～5の粒子を50重量%以上含む請求項1～6のいずれかに記載の円筒型アルカリ電池。
- [請求項8] 前記電池ケースの円筒部の厚みは、0.15～0.2mmである請求項1～7のいずれかに記載の円筒型アルカリ電池。
- [請求項9] 前記アルカリ電解液は、濃度30～35重量%の水酸化カリウム水溶液である請求項1～8のいずれかに記載の円筒型アルカリ電池。
- [請求項10] 前記アルカリ電解液は、濃度33～38重量%の水酸化カリウム水溶液である請求項1～8のいずれかに記載の円筒型アルカリ電池。
-



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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

MAILED

APR 12 2012

OFFICE OF PETITIONS

In re Application of
OKADA, et al.

Application No.: 13/140,658

Filed: June 17, 2011

Attorney Docket No.: 043888-0893

For: CYLINDRICAL ALKALINE
BATTERY

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 8, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, Austria, Australia, Finland, Spain, Sweden, China or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH pilot program and petition cannot be accepted because it is **unsigned**.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE
USPTO**

Application No:	13/140,658	Filing date:	17 JUNE 2011
First Named Inventor:	Tadaya OKADA		

Title of the
Invention: **CYLINDRICAL ALKALINE BATTERY**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT
[HTTP://WWW.USPTO.GOV/EFSC/EFSC_HELP.HTML](http://www.uspto.gov/efsc/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT
application number(s) is/are:** PCT/JP2010/007158

**The international date of the corresponding
PCT application(s) is/are:** 9 DECEMBER, 2010

All required documents were previously submitted per the request form submitted on
August 8, 2011.

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the
above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English
language). A statement that the English translation is accurate is attached for the document in b. above.**

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE JPO AND THE USPTO**

(continued)

Application No.: 13/140,658

First Named Inventor: Tadayo OKADA

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on 17 JUNE 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

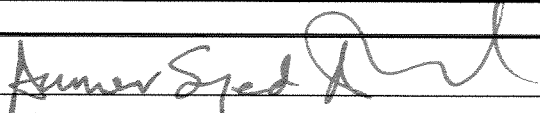
☒

Have already been filed in the above-identified U.S. application on 17 JUNE 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same, except US claim not multiple dependent
4	4	Same, except US claim not multiple dependent
5	5	Same
6	6	Same, except US claim not multiple dependent
7	7	Same, except US claim not multiple dependent
8	8	Same, except US claim not multiple dependent
9	9	Same, except US claim not multiple dependent
10	10	Same, except US claim not multiple dependent

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date 17 April 2012
Name (Print/Typed) Aamer S. Ahmed	Registration Number 58,958



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THOMPSON HINE L.L.P.
Intellectual Property Group
10050 Innovation Drive
Suite 400
DAYTON OH 45342-4934.

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of
Cho et al.
Application No. 13/140,740
Filed: 10/31/2011
Attorney Docket Number:
074283.9

ON PETITION

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on June 17, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners assert that color photographs are necessary to enhance the quality of drawing Figures 1 - 5.

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color drawings or photographs are not necessary for an understanding of the invention sought to be patented, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:


By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2811.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application of :
Tan, et al. :
Application No. 13/140,772 : DECISION ON REQUEST
Filed: September 26, 2011 : UNDER 37 CFR § 5.25
Attorney Docket No. **AIRD-59** :

Title: MOUNTING SYSTEM FOR ATTACHING A BOX IN A COMPARTMENT OF AN AIRCRAFT GALLEY

This is a decision on the petition pursuant to 37 CFR § 5.25, filed November 28, 2011, seeking a retroactive license for foreign filing under 35 U.S.C. § 184.

The petition is **dismissed**.

37 CFR § 5.25 requires the following:

- (a) A petition for retroactive license under 35 U.S.C. 184 shall be presented in accordance with § 5.13 or § 5.14(a), and shall include:
 - (1) A listing of each of the foreign countries in which the unlicensed patent application material was filed,
 - (2) The dates on which the material was filed in each country,
 - (3) A verified statement (oath or declaration) containing:
 - (i) An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
 - (ii) A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
 - (iii) An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
 - (4) The required fee (§ 1.17(g) of this chapter).

(b) The explanation in paragraph (a) of this section must include a showing of facts rather than a mere allegation of action through error and without deceptive intent. The showing of facts as to the nature of the error should include statements by those persons having personal knowledge of the acts regarding filing in a foreign country and should be accompanied by copies of any necessary supporting documents such as letters of transmittal or instructions for filing. The acts which are alleged to constitute error without deceptive intent should cover the period leading up to and including each of the proscribed foreign filings.

The petition is dismissed at this time since the requirements of 37 CFR 5.25(b) have not fully met.

In re Application No. 13/140,772

As to 37 CFR 5.25(b), the petition lacks a showing that the proscribed filing was made through error and without deceptive intent. The petition was not accompanied by copies of supporting documents, such as a letter of transmittal or instructions for filing relative to the proscribed foreign filing itself.

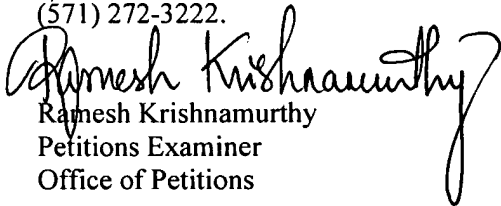
Accordingly, the provisions of 37 CFR 5.25 have not been fully met. The petition is dismissed. On the absence of a response within 60 days of the mailing date of this decision, such dismissal will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be obtained under 37 CFR 1.136.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Any inquiries related to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

SEP 27 2011

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

PCT LEGAL ADMINISTRATION

In re Application of	:	
HUA et al.	:	DECISION
Application No.: 13/140,779	:	
PCT No.: PCT/US2009/069082	:	
Int. Filing Date: 21 December 2009	:	
Priority Date: 19 December 2008	:	
Attorney's Docket No.: 50341/017002	:	
For: ENGINEERING HEAT-STABLE	:	
DISEASE RESISTANCE IN PLANTS	:	

This is a decision on petition under 37 CFR 1.497(d) filed in the United States Patent and Trademark Office (USPTO) on 18 August 2011.

BACKGROUND

On 21 December 2009, applicants filed international application PCT/US2009/069082, which designated the U.S. and claimed a priority date of 19 December 2008. The thirty-month period for paying the basic national fee in the United States expires at midnight on 20 June 2011 (19 June 2011 being a Sunday).

On 17 June 2011, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 14 July 2011, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 18 August 2011, applicants filed the instant petition under 37 CFR 1.497(d) to add Ying ZHU as an inventor.

DISCUSSION

37 CFR 1.497(d), provides:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international

application, or if a change to the inventive entity has been effected under PCT Rule 92^{bis} subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in Sec. 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

Items (1) and (2) have been satisfied. Item (4) is not required.

As to item (3), written consent of the assignee has been provided by William Hopewell. Although the title of Mr. Hopewell—Intellectual Property Manager—is not a title usually conveying apparent authority (MPEP § 324, item V), Mr. Hopewell identifies himself in the written consent as “an officer” of the assignee Cornell University. Accordingly, it is presumed that Mr. Hopewell authority to sign on behalf of Cornell University. *If this interpretation is incorrect, applicants must notify the Office of PCT Legal Administration immediately.*

The declaration of inventors filed 18 August 2011 is in compliance with 37 CFR 1.497(a)-(d).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Jian HUA and Ying ZHU as inventors.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



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United States Patent and Trademark Office
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AUG 05 2011

PCT LEGAL ADMINISTRATION

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

In re Application of	:	
HAYNES	:	
U.S. Application No.: 13/140,817	:	DECISION ON PETITION
PCT No.: PCT/US2009/064941	:	
Int. Filing Date: 18 November 2009	:	UNDER 37 CFR 1.137(b)
Priority Date: 18 November 2008	:	
Attorney Docket No.: 606772000500	:	
For: RSV F VLPS AND METHODS OF	:	
MANUFACTURE AND USE THEREOF	:	

The petition to revive under 37 CFR 1.137(b) filed 17 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

MAILED

AUG 16 2011

PCT LEGAL ADMINISTRATION

CHRISTOPHER PAUL MITCHELL
888 16TH ST., NW, SUITE 800
WASHINGTON, DC 20006

In re Application of
KWON, Si Joong
U.S. Application No.: 13/140819
PCT No.: PCT/KR08/003549
Int. Filing Date: 20 JUNE 2008
Priority Date: 22 JUNE 2007
For: CONTAINER WITH ANI-LOSS AND
ANTI-IDLE-ROTATION CAP

DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed 17 June 2011, in the above-captioned application is hereby **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate petition fee has been submitted. A terminator disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Wanda Banks
Paralegal Specialist
Office of PCT Legal Administration
Tel: (571) 272-3277

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration



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MAR 06 2012

PCT LEGAL ADMINISTRATION

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
ANDO, et al.	:	
Application No.: 13/140,859	:	DECISION ON PETITION
PCT No.: PCT/JP2009/071409	:	
Int. Filing Date: 24 December 2009	:	UNDER 37 CFR 1.181
Priority Date: 24 December 2008	:	
Atty Docket No.: 0045-0424PUS1	:	
For: WEARING ARTICLE AND METHOD OF	:	
MANUFACTURING SAME	:	

This decision is in response to applicant's "REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE" filed 20 July 2011 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181 to assign a date of completion of all 35 U.S.C. 371 requirements of 22 June 2011. No petition fee is required.

On 08 July 2011, applicant was mailed a Form PCT/DO/EO/903 which identified the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date as 22 June 2011 and the date of completion of all 35 U.S.C. 371 requirements as 24 June 2011. Applicant seeks correction of the form to list a date of completion of all 35 U.S.C. 371 requirements of 22 June 2011.

A review of the application file finds that the last of the 35 U.S.C. 371 requirements, the executed declaration of the inventors, was filed on 22 June 2011. However, applicant's submitted transmittal letter (Form PTO-1390) did not include a check mark in box three indicating that the filing was an express request to begin national examination procedures. As such, the date of completion of all 35 U.S.C. 371 requirements is the expiration date of thirty months from the priority date, in this case, 24 June 2011. The rules for national stage commencement are detailed in the Manual of Patent Examining Procedure (MPEP) section 1893.01:

Thus, in the absence of an express request for early processing of an international application under 35 U.S.C. 371(f) and compliance with the conditions provided therein, the U.S. national stage will commence upon expiration of 30 months from the priority date of the international application. Pursuant to 35 U.S.C. 371(f), the national stage may commence earlier than 30 months from the priority date, provided applicant makes an express request for early processing and has complied with the applicable requirements under 35 U.S.C. 371(c).

As applicant did not make an express request, the date listed on the Form PCT/DO/EO/903 as the date of completion of all 35 U.S.C. 371 requirements is correct and applicant's petition is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.181."

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

A handwritten signature in black ink, appearing to read 'Derek A. Putonen', with a stylized, cursive script.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



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United States Patent and Trademark Office
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NA XU
6312 SEVEN CORNERS CENTER #324
FALLS CHURCH, VA 22044

MAILED

SEP 19 2011

PCT LEGAL ADMINISTRATION

In re Application of YUAN
U.S. Application No.: 13/140,918
PCT Application No.: PCT/CN2009/070592
Int. Filing Date: 28 February 2009
Priority Date Claimed: 13 February 2009
Attorney Docket No.: 1111-0001
For: ELECTROMAGNETIC OVEN FOR
BARBECUE

:
:
:
:
:
:
:
:

DECISION

This is in response to applicant's petition under 37 CFR 1.28(c) filed 28 June 2011.

BACKGROUND

On 28 February 2009, applicant filed international application PCT/CN2009/070592, which claimed priority of an earlier China application filed 13 February 2009. A copy of the international application was communicated to the USPTO from the International Bureau on 19 August 2010. The thirty-month period for paying the basic national fee in the United States expired on 15 August 2011.

On 20 June 2011, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the small entity basic national fee required by 35 U.S.C. 371(c)(1).

On 28 June 2011, applicant filed the present

DISCUSSION

Errors in small entity status may be excused in accordance with 37 CFR 1.28(c). In the present case, applicant has supplied the required itemization of fees and has paid the required deficiency. Accordingly, the error in small entity status is excused.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.28(c) is GRANTED.

This application is being forwarded to the appropriate Technology Center for examination.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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AUG 09 2011

OFFICE OF PETITIONS

Na Xu
6312 Seven Corners Center #324
Falls Church, VA 22044

In re Application of Yuan	:	
Application No. 13/140,944	:	Letter
Filing Date: June 20, 2011	:	
Attorney Docket No. 1111-0002	:	

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed June 28, 2011.

The deficiency payment of \$490 is hereby accepted.

The change of status to large entity has been entered and made of record.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA, VA 22314

MAILED
MAR 06 2012
OFFICE OF PETITIONS

In re Application of
Yoshinori Mizutani, et al.
Application No.: 13/140,979
Filed: 20 June 2011
Attorney Docket No.: 8060-1032
For: CHARACTERISTIC MEASURING
DEVICE FOR SOLAR CELL

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 15 December 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

DISCUSSION

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;

3. Applicant must
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (5).

Regarding the requirement of condition (5), applicant has failed to submit documentation of prior Office action, an English language translation of the JPO Office action from (5)(a)(i)-(ii) above and a statement that the English translation is accurate.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/141,015	Filing date:	June 20, 2011
First Named Inventor:	Yosuke KOIKE		
Title of the Invention:	COMPOSITE CARBON AND MANUFACTURING METHOD THEREFOR		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EFWC/EFWS_HELP.HTML			
APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.			
<p>The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.</p> <p>The corresponding PCT application number(s) is/are: PCT/JP2009/071730</p> <p>The international date of the corresponding PCT application(s) is/are: December 18, 2009</p> <p>I. List of Required Documents:</p> <p>a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)</p> <p><input checked="" type="checkbox"/> Is attached. See Appendix A</p> <p><input type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p> <p>b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).</p> <p><input checked="" type="checkbox"/> Is attached. See Appendix B</p> <p><input type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p> <p>c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.</p> <p>See Appendices C and D, respectively</p>			

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.: 13/141,015

First Named Inventor: Yosuke KOIKE

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒
Has already been filed in the above-identified U.S. application on June 20, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

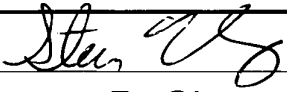
Are attached.

☒
Have already been filed in the above-identified U.S. application on June 20, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Substantially Identical
2	2	Substantially Identical
3	3	Substantially Identical
4	4	Substantially Identical
5	5	Substantially Identical
6	6	Substantially Identical
7	7	Substantially Identical
8	8	Substantially Identical
9	9	Substantially Identical
10	10	Substantially Identical
11	11	Substantially Identical
12	12	Substantially Identical
13	13	Substantially Identical
14	2	Substantially Identical
15	4	Substantially Identical
16	4	Substantially Identical
17	5	Substantially Identical
18	5	Substantially Identical
19, 20	6	Substantially Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date June 27, 2011
Name (Print/Typed) Steven B. Chang	Registration Number 59,423

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 13/141,015
Attorney Docket No. 382132US71XPCT

Appendix A

Copy of latest PCT Office Action

特許協力条約

発信人 日本国特許庁（国際調査機関）



代理人 大川 宏	様
あて名 〒450-0002 日本国愛知県名古屋市中村区名駅3丁目2番5号	

PCT
国際調査機関の見解書
(法施行規則第40条の2)
[PCT規則43の2.1]

発送日
(日.月.年) 23.03.2010

出願人又は代理人
の書類記号 F-1202-P

今後の手続きについては、下記2を参照すること。

国際出願番号
PCT/J P 2009/071730

国際出願日
(日.月.年) 18.12.2009

優先日
(日.月.年) 22.12.2008

国際特許分類 (IPC) Int.Cl. C01B31/02(2006.01)i, C23C16/26(2006.01)i, D01F9/127(2006.01)i, H01M4/583(2010.01)i, H01M4/86(2006.01)i, H01M4/96(2006.01)i, H01G9/058(2006.01)n, H01M8/10(2006.01)n

出願人 (氏名又は名称)
アイシン精機株式会社

1. この見解書は次の内容を含む。

- ☒ 第I欄 見解の基礎
- ☐ 第II欄 優先権
- ☐ 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第IV欄 発明の単一性の欠如
- ☒ 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第VI欄 ある種の引用文献
- ☒ 第VII欄 国際出願の不備
- ☐ 第VIII欄 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日

02.03.2010

名称及びあて先
日本国特許庁 (ISA/J P)
郵便番号100-8915
東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)

廣野 知子

電話番号 03-3581-1101 内線 3416

4 G 3836

第1欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。

☒ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である _____ 語に翻訳された、この国際出願の翻訳文
(PCT規則12.3(a)及び23.1(b))

2. ☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT規則 43 の 2.1(b))。

3. この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

a. 提出手段

☐ 紙形式

☐ 電子形式

b. 提出時期

☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4. ☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5. 補足意見：

第Ⅴ欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、
それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求項	1-13	有
	請求項		無
進歩性 (IS)	請求項	1-13	有
	請求項		無
産業上の利用可能性 (IA)	請求項	1-13	有
	請求項		無

2. 文献及び説明

文献 1: JP 2007-194354 A (独立行政法人物質・材料研究機構) 2007. 08. 02
(ファミリーなし)

文献 2: JP 2005-213700 A (独立行政法人物質・材料研究機構) 2005. 08. 11
(ファミリーなし)

文献 3: JP 2008-120658 A (ソナック株式会社) 2008. 05. 29
& WO 2008/059889 A1

文献 4: JP 2007-182352 A (独立行政法人産業技術総合研究所) 2007. 07. 19
& WO 2007/078005 A1

文献 5: JP 2006-518543 A (ナノミックス・インコーポレーテッド) 2006. 08. 10
& US 2007/0140946 A1 & WO 2004/040671 A2

文献 6: JP 2006-278364 A (新日鐵化学株式会社) 2006. 10. 12 (ファミリーなし)

請求項 1-13 に係る発明は、国際調査報告で引用された文献 1-6 に対して新規性、
進歩性を有する。

請求項 1-13 に係る発明は、長軸方向に沿って延びる繊維状炭素と、前記繊維状炭素の表面に形成された、前記繊維状炭素の径よりも小さな径をもつ多数のカーボンナノチューブとを備える複合型炭素において、前記カーボンナノチューブの長さ方向が同じ方向にそろった多数のカーボンナノチューブの群として形成されたものである。一方、文献 1-6 には、繊維状炭素の表面に形成されるカーボンナノチューブが、長さ方向が同じ方向にそろった多数のカーボンナノチューブの群として形成される点が、記載も示唆もされていない。

また、請求項 12, 13 に係る発明は、表面にアルミニウムの下地薄膜と鉄触媒の薄膜を形成させた繊維状炭素を用意し、CVD 処理により該繊維状炭素の表面にカーボンナノチューブを形成させることにより、上記特徴を有する複合型炭素を製造するものである。一方、文献 1-6 には、繊維状炭素の表面にアルミニウムの下地薄膜を形成させる点が、記載も示唆もされていない。

(続葉頁有り)

補充欄

いずれかの欄の大きさが足りない場合

第 V 欄の続き

本発明の複合型炭素は、比表面積の増加、多孔質性の向上、電気抵抗の低減、導電性の向上に貢献することができる。さらに、本発明の複合型炭素が触媒を担持する場合には、触媒利用率の向上が期待できる。そして、本発明の複合型炭素は、燃料電池に使用される炭素材料、キャパシタ、リチウム電池、二次電池、湿式太陽電池等の電極等に使用される炭素材料として有用である。

第Ⅶ欄 国際出願の不備

この国際出願の形式又は内容について、次の不備を発見した。

図 9 及び図 11 において、電子顕微鏡写真 (SEM) の右下欄外に「100 μ m」という縮尺が記載されているが、これは「10.0 μ m」の誤記と解される。

特許協力条約

PCT

国際調査報告

(法 8 条、法施行規則第 40、41 条)
[PCT 18 条、PCT 規則 43、44]



出願人又は代理人 の書類記号 F-1202-P	今後の手続きについては、様式 PCT/ISA/220 及び下記 5 を参照すること。	
国際出願番号 PCT/J P 2009/071730	国際出願日 (日.月.年) 18. 12. 2009	優先日 (日.月.年) 22. 12. 2008
出願人 (氏名又は名称) アイシン精機株式会社		

国際調査機関が作成したこの国際調査報告を法施行規則第 41 条 (PCT 18 条) の規定に従い出願人に送付する。
この写しは国際事務局にも送付される。

この国際調査報告は、全部で 3 ページである。

☐ この調査報告に引用された先行技術文献の写しも添付されている。

1. 国際調査報告の基礎

a. 言語に関し、この国際調査は以下のものに基づき行った。

☒ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である _____ 語に翻訳された、
この国際出願の翻訳文 (PCT 規則 12.3(a) 及び 23.1(b))

b. ☐ この国際調査報告は、PCT 規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT 規則 43.6 の 2(a))。

c. ☐ この国際出願は、ヌクレオチド又はアミノ酸配列を含んでいる (第 I 欄参照)。

2. ☐ 請求の範囲の一部の調査ができない (第 II 欄参照)。

3. ☐ 発明の単一性が欠如している (第 III 欄参照)。

4. 発明の名称は ☒ 出願人が提出したものを承認する。

☐ 次に示すように国際調査機関が作成した。

5. 要約は ☒ 出願人が提出したものを承認する。

☐ 第 IV 欄に示されているように、法施行規則第 47 条第 1 項 (PCT 規則 38.2) の規定により国際調査機関が作成した。出願人は、この国際調査報告の発送の日から 1 月以内にこの国際調査機関に意見を提出することができる。

6. 図面に関して

a. 要約書とともに公表される図は、

第 1 図とする。 ☒ 出願人が示したとおりである。

☐ 出願人は図を示さなかったため、国際調査機関が選択した。

☐ 本図は発明の特徴を一層よく表しているため、国際調査機関が選択した。

b. ☐ 要約とともに公表される図はない。

A. 発明の属する分野の分類 (国際特許分類 (IPC))			
Int.Cl. C01B31/02(2006.01)i, C23C16/26(2006.01)i, D01F9/127(2006.01)i, H01M4/583(2010.01)i, H01M4/86(2006.01)i, H01M4/96(2006.01)i, H01G9/058(2006.01)n, H01M8/10(2006.01)n			
B. 調査を行った分野			
調査を行った最小限資料 (国際特許分類 (IPC))			
Int.Cl. C01B31/00-31/36, C23C16/00-16/56, D01F9/00-9/32, H01M4/00-4/98, 8/00-8/24, H01G9/00-9/28			
最小限資料以外の資料で調査を行った分野に含まれるもの			
日本国実用新案公報 1922-1996年 日本国公開実用新案公報 1971-2010年 日本国実用新案登録公報 1996-2010年 日本国登録実用新案公報 1994-2010年			
国際調査で使用した電子データベース (データベースの名称、調査に使用した用語)			
JSTPlus(JDreamII), JST7580(JDreamII)			
C. 関連すると認められる文献			
引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求項の番号	
A	JP 2007-194354 A (独立行政法人物質・材料研究機構) 2007.08.02, (ファミリーなし)	1-13	
A	JP 2005-213700 A (独立行政法人物質・材料研究機構) 2005.08.11, (ファミリーなし)	1-13	
A	JP 2008-120658 A (ソナック株式会社) 2008.05.29, & WO 2008/059889 A1	1-13	
<input checked="" type="checkbox"/> C 欄の続きにも文献が列挙されている。 <input type="checkbox"/> パテントファミリーに関する別紙を参照。			
* 引用文献のカテゴリー 「A」 特に関連のある文献ではなく、一般的技術水準を示すもの 「E」 国際出願日前の出願または特許であるが、国際出願日以後に公表されたもの 「L」 優先権主張に疑義を提起する文献又は他の文献の発行日若しくは他の特別な理由を確立するために引用する文献 (理由を付す) 「O」 口頭による開示、使用、展示等に言及する文献 「P」 国際出願日前で、かつ優先権の主張の基礎となる出願			
の日の後に公表された文献 「T」 国際出願日又は優先日後に公表された文献であって出願と矛盾するものではなく、発明の原理又は理論の理解のために引用するもの 「X」 特に関連のある文献であって、当該文献のみで発明の新規性又は進歩性がないと考えられるもの 「Y」 特に関連のある文献であって、当該文献と他の1以上の文献との、当業者にとって自明である組合せによって進歩性がないと考えられるもの 「&」 同一パテントファミリー文献			
国際調査を完了した日 02.03.2010		国際調査報告の発送日 23.03.2010	
国際調査機関の名称及びあて先 日本国特許庁 (ISA/J P) 郵便番号 100-8915 東京都千代田区霞が関三丁目4番3号		特許庁審査官 (権限のある職員) 廣野 知子 電話番号 03-3581-1101 内線 3416	4G 3836

C (続き) . 関連すると認められる文献		
引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求項の番号
A	JP 2007-182352 A (独立行政法人産業技術総合研究所) 2007. 07. 19, & WO 2007/078005 A1	1-13
A	JP 2006-518543 A (ナノミックス・インコーポレーテッド) 2006. 08. 10, & US 2007/0140946 A1 & WO 2004/040671 A2	1-13
A	JP 2006-278364 A (新日鐵化学株式会社) 2006. 10. 12, (ファミリーなし)	1-13

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 13/141,015
Attorney Docket No. 382132US71XPCT

Appendix B

Copy of all claims which were
determined to be patentable in the PCT

請求の範囲

1. 長軸方向に沿って延びる繊維状炭素と、前記繊維状炭素の表面に形成された、前記繊維状炭素の径よりも小さな径をもつ多数のカーボンナノチューブとを備えており、

前記カーボンナノチューブは、前記カーボンナノチューブの長さ方向が同じ方向にそろった多数のカーボンナノチューブの群として形成されていることを特徴とする複合型炭素。

2. 請求項 1 において、前記カーボンナノチューブの群は、前記繊維状炭素の周方向において間隔で隔てて複数の群として形成されていることを特徴とする複合型炭素。

3. 請求項 1 または 2 において、前記カーボンナノチューブの群は、炭素繊維の周方向において、1 群、2 群、3 群、4 群のうちのいずれかとして生成されていることを特徴とする複合型炭素。

4. 請求項 1 ～ 3 のうち的一项において、多数の前記カーボンナノチューブは、前記繊維状炭素の長軸方向に沿って並設されて、前記カーボンナノチューブの群を形成していることを特徴とする複合型炭素。

5. 請求項 1 ～ 3 のうちのいずれか一項において、前記カーボンナノチューブの長さ方向は、前記繊維状炭素の長軸に直交していることを特徴とする複合型炭素。

6. 請求項 1 ～ 5 のうち的一项において、前記繊維状炭素は、複数の炭素繊維を含む炭素繊維集積体を構成する炭素繊維であることを特徴とする複合型炭素。

7. 請求項 6 において、前記炭素繊維集積体は、カーボンペーパー、カーボンクロ

ス、カーボンフェルトのうちの一つであることを特徴とする複合型炭素。

8. 請求項7において、前記カーボンペーパーは、炭素繊維およびセルロース系焼失繊維を含む分散液を抄紙用の網体で抄紙して炭素繊維パルプ集積体を形成した後、前記セルロース系焼失繊維を焼失させて形成されていることを特徴とする複合型炭素。

9. 請求項1～8のうちのいずれか一項において、前記カーボンナノチューブは、前記繊維状炭素の表面に形成された鉄の薄膜上に形成されていることを特徴とする複合型炭素。

10. 請求項9において、前記鉄の薄膜は、前記繊維状炭素の表面に形成されたアルミニウムの薄膜上に形成されていることを特徴とする複合型炭素。

11. 請求項10において、前記アルミニウムの下地の厚さは2～50nmであり、前記鉄の薄膜の厚さは2～65nmであることを特徴とする複合型炭素。

12. 表面にアルミニウムの下地と前記アルミニウムの下地の上に設けられた鉄の触媒とを有すると共に、長軸方向に沿って延びる繊維状炭素を用意する工程と、炭素源をCVD装置でCVD処理することにより、前記繊維状炭素の径よりも小さな径をもつ多数のカーボンナノチューブを前記繊維状炭素の表面に形成すると共に、前記カーボンナノチューブの長さ方向が同じ方向にそろった多数のカーボンナノチューブの群として前記カーボンナノチューブを形成する工程とを実施することを特徴とする複合型炭素の製造方法。

13. 請求項12において、前記アルミニウムの下地の厚さは2～50nmであり、前記鉄の薄膜の厚さは2～65nmであることを特徴とする複合型炭素の製造方法。

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 13/141,015
Attorney Docket No. 382132US71XPCT

Appendix C

English-language translation of the
latest PCT Office Action

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: OHKAWA, Hiroshi 2-5, Meieki 3-chome, Nakamura-ku, Nagoya-shi, Aichi 4500002 JAPON
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Date of mailing (day/month/year)	23. 03. 2010
-------------------------------------	--------------

Applicant's or agent's file reference F-1202-P		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/JP2009/071730	International filing date (day/month/year) 18. 12. 2009	Priority date (day/month/year) 22. 12. 2008	
International Patent Classification (IPC) or both national classification and IPC C01B31/02(2006.01)i, C23C16/26(2006.01)i, D01F9/127(2006.01)i, H01M4/583(2010.01)i, H01M4/86(2006.01)i, H01M4/96(2006.01)i, H01G9/058(2006.01)n, H01M8/10(2006.01)n			
Applicant AISIN SEIKI KABUSHIKI KAISHA			

1. This opinion contains indications relating to the following items: <div style="display: flex; flex-direction: column; gap: 5px;"> <div><input checked="" type="checkbox"/> Box No. I Basis of the opinion</div> <div><input type="checkbox"/> Box No. II Priority</div> <div><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</div> <div><input type="checkbox"/> Box No. IV Lack of unity of invention</div> <div><input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement</div> <div><input type="checkbox"/> Box No. VI Certain documents cited</div> <div><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</div> <div><input type="checkbox"/> Box No. VIII Certain observations on the international application</div> </div>	
2. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220.	
3. For further details, see notes to Form PCT/ISA/220.	

Name and mailing address of the ISA/ Japanese Patent Office	Date of completion of this opinion 02. 03. 2010	Authorized officer
Facsimile No.	Telephone No.	

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2009/071730

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed.
 - ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
 - a. (means)
 - ☐ on paper
 - ☐ in electronic form
 - b. (time)
 - ☐ in the international application as filed
 - ☐ together with the international application in electronic form
 - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2009/071730

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP2007-194354 A (National Institute for Materials Science)

02 August 2007, (Family : none)

Document 2: JP2005-213700 A (National Institute for Materials Science)

11 August 2005, (Family : none)

Document 3: JP2008-120658 A (Sonac Incorporated) 29 May 2008, & WO2008/059889 A1

Document 4: JP2007-182352 A (National Institute of Advanced Industrial Science and Technology) 19 July 2007, & WO2007/078005 A1

Document 5: JP2006-518543 A (Nanomix Incorporated) 10 August 2006,
& US2007/0140946 A1 & WO2004/040671 A2

Document 6: JP2006-278364 A (Nippon Steel Chemical Group) 12 October 2006,
(Family : none)

The inventions of claims 1-13 have novelty and inventive step with respect to the documents 1-6 cited in an international search report.

The inventions of claims 1-13 are directed to a composite carbon comprising fibrous carbon extending in a direction of a long axis thereof, and multiple carbon nanotubes formed on the fibrous carbon and having a smaller diameter than a diameter of the fibrous carbon, wherein the carbon nanotubes are formed as a group of multiple carbon nanotubes with the lengthwise direction thereof aligned in the same direction.

Meanwhile, the documents 1-6 neither describe nor suggest that the carbon nanotubes are formed on the fibrous carbon as a group of multiple carbon nanotubes with the lengthwise direction thereof aligned in the same direction.

Further, the inventions of claims 12 and 13 are directed to a method of manufacturing a composite carbon comprising preparing fibrous carbon having an aluminum substrate and an iron catalyst thin film, and forming, on the surface of the fibrous carbon, multiple carbon nanotubes having the above features, by CVD-processing.

Meanwhile, the documents 1-6 neither describe nor suggest that the aluminum substrate is formed on the surface of the fibrous carbon.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/071730

Supplemental Box

Box No.V (Continuation)

The composite carbon of the invention can contribute to increased specific surface area, improved porosity, reduced electric resistance, and improved conductivity.

Further, if the composite carbon loads therein a catalyst, an improvement in utilization of the catalyst can be expected.

Furthermore, the composite carbon of the invention is applicable to carbon material used for a fuel cell, and carbon material used for electrodes of a variety of cells such as a capacitor, a lithium battery, a secondary cell, a liquid junction solar cell, or the like.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2009/071730

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

While in FIGS. 9 and 11, a scale of 「100 μ m」 is described outside of right and lower portion of the SEM photograph, it is understood that this is a miswriting of 「10.0 μ m」.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP2009/071730

A. CLASSIFICATION OF SUBJECT MATTER

C01B31/02(2006.01)i, C23C16/26(2006.01)i, D01F9/127(2006.01)i, H01M4/583
(2010.01)i, H01M4/86(2006.01)i, H01M4/96(2006.01)i, H01G9/058(2006.01)n,
H01M8/10(2006.01)n

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

C01B31/00-31/36, C23C16/00-16/56, D01F9/00-9/32, H01M4/00-4/98, 8/00-8/24,
H01G9/00-9/28

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Jitsuyo Shinan Koho	1922-1996	Jitsuyo Shinan Toroku Koho	1996-2010
Kokai Jitsuyo Shinan Koho	1971-2010	Toroku Jitsuyo Shinan Koho	1994-2010

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

JSTPlus (JDreamII), JST7580 (JDreamII)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2007-194354 A (Independent Administrative Institution National Institute for Materials Science), 02 August 2007 (02.08.2007), (Family: none)	1-13
A	JP 2005-213700 A (Independent Administrative Institution National Institute for Materials Science), 11 August 2005 (11.08.2005), (Family: none)	1-13
A	JP 2008-120658 A (Sonac Inc.), 29 May 2008 (29.05.2008), & WO 2008/059889 A1	1-13

☒ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search
02 March, 2010 (02.03.10)

Date of mailing of the international search report
23 March, 2010 (23.03.10)

Name and mailing address of the ISA/
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP2009/071730

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2007-182352 A (National Institute of Advanced Industrial Science and Technology), 19 July 2007 (19.07.2007), & WO 2007/078005 A1	1-13
A	JP 2006-518543 A (Nanomix, Inc.), 10 August 2006 (10.08.2006), & US 2007/0140946 A1 & WO 2004/040671 A2	1-13
A	JP 2006-278364 A (Nippon Steel Chemical Co., Ltd.), 12 October 2006 (12.10.2006), (Family: none)	1-13

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

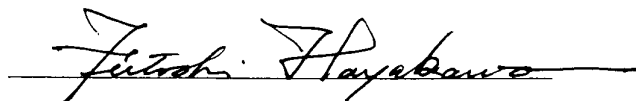
That I am knowledgeable in the English language and in the language in which the below identified PCT application was filed, and that I believe the English translation of the PCT application No. PCT/JP2009/071730 is a true and complete translation of the above identified PCT application as filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date; June 7, 2011

Full name of the translator: Futoshi HAYAKAWA

Signature of the translator:

A handwritten signature in black ink, appearing to read 'Futoshi Hayakawa', written over a horizontal line.

Post Office Address: c/o KYORITSU INTERNATIONAL;

2-5, Meieki 3-chome, Nakamura-ku,
Nagoya, Aichi, 450-0002, Japan

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 13/141,015
Attorney Docket No. 382132US71XPCT

Appendix D

English-language translation of all
claims which were determined to be
patentable in the PCT

CLAIMS

1. A composite carbon comprising:
a fibrous carbon extending in a direction of a long axis thereof;
and multiple carbon nanotubes formed on the fibrous carbon and having
a smaller diameter than a diameter of the fibrous carbon,
wherein the carbon nanotubes are formed as a group of multiple carbon
nanotubes with the lengthwise direction thereof aligned in the same
direction.
2. The composite carbon according to claim 1, wherein the group
of the carbon nanotubes are formed of a plurality of groups spaced
apart a distance in a circumferential direction of the fibrous carbon.
3. The composite carbon according to claim 1 or 2, wherein the
group of the carbon nanotubes is formed of any one of first to fourth
groups in the circumferential direction of carbon fiber.
4. The composite carbon according to any one of claims 1 to 3,
wherein the multiple carbon nanotubes form a group of the carbon
nanotubes aligned in the long axis of the fibrous carbon.
5. The composite carbon according to any one of claims 1 to 3,
wherein the lengthwise direction of the carbon nanotube is
perpendicular to the long axis of the fibrous carbon.
6. The composite carbon according to any one of claims 1 to 5,
wherein the fibrous carbon is carbon fiber forming carbon fiber

aggregate formed of the plurality of carbon fibers.

7. The composite carbon according to claim 6, wherein the carbon fiber aggregate is any one of carbon paper, carbon cloth, and carbon felt.

8. The composite carbon according to claim 7, wherein the carbon paper is formed by screening a dispersion solution containing the carbon fiber and cellulose-based flammable fiber through a sieve screen for paper-drafting thereby to form carbon fiber pulp aggregate and burning the cellulose-based fiber, thereby forming the carbon paper.

9. The composite carbon according to any one of claims 1 to 8, wherein the carbon nanotubes are formed on an iron thin film formed on the surface of the fibrous carbon.

10. The composite carbon according to claim 9, wherein the iron thin film is formed on an aluminum substrate formed on the surface of the fibrous carbon.

11. The composite carbon according to claim 10, wherein the aluminum substrate has a thickness of 2-50 nm, and the iron thin film has a thickness of 2-65 nm.

12. A method of manufacturing a composite carbon comprising the steps of: preparing a fibrous carbon extending in a direction of a long axis thereof and having an aluminum substrate thereon and an iron catalyst stuck on the aluminum substrate; and

forming, on the surface of the fibrous carbon, multiple carbon nanotubes having a smaller diameter than a diameter of the fibrous carbon, as a group of carbon nanotubes with the lengthwise directions thereof aligned in the same direction, by CVD-processing a carbon source by means of a CVD apparatus.

13. The method according to claim 12, wherein the aluminum substrate has a thickness of 2-50 nm, and the iron catalyst has a thickness of 2-65 nm.

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

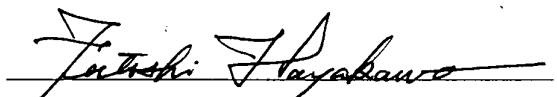
My name and post office address are as stated below;

That I am knowledgeable in the English and Japanese languages, and that the attached English language translation is an accurate translation of the claims of PCT/JP2009/071730 which were indicated by the latest international work product as having, novelty, inventive step and industrial applicability.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date; June 10, 2011

Full name of the translator: Futoshi HAYAKAWA

Signature of the translator: 

Post Office Address: c/o KYORITSU INTERNATIONAL;
2-5, Meieki 3-chome, Nakamura-ku,
Nagoya, Aichi, 450-0002, Japan



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/141,015	06/20/2011	Yosuke Koike	382132US71XPCT	1694
22850	7590	10/31/2011		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.			EXAMINER	
1940 DUKE STREET			THOMPSON, CAMIE S	
ALEXANDRIA, VA 22314				
			ART UNIT	PAPER NUMBER
			1786	
			NOTIFICATION DATE	DELIVERY MODE
			10/31/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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CT

10/31/11

In re application of	:	DECISION ON REQUEST TO
Yosuke Koike	:	PARTICIPATE IN PATENT
Serial No. 13/141,015	:	PROSECUTION HIGHWAY
Filed: June 20, 2011	:	PROGRAM AND
For: COMPOSITE CARBON AND	:	PETITION TO MAKE SPECIAL
MANUFACTURING METHOD	:	UNDER 37 CFR 1.102(a)
THEREFOR	:	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed June 27, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 13/141,015

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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SEP 28 2011

PCT LEGAL ADMINISTRATION

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of :
TAKESHI, Cyoukyu et al. :
Application No.: 13/141,020 :
Receipt Date: 20 June 2011 :
Attorney Docket No.: TAIYO66.001AUS :
For: VEHICLE SEAT :

DECISION

This decision is in response to applicants' petition to convert, filed in the United States Patent and Trademark Office on 22 June 2011.

BACKGROUND

On 20 June 2011, applicant filed papers identified as a national phase of PCT/JP2010/147976 using EFS-Web. Applicants paid national phase fees. The papers were assigned serial number 13/141,020.

On 22 June 2011, applicant submitted the instant petition to convert the application from a filing under 35 USC 371 to a filing under 35 USC 111.

DISCUSSION

The electronic data filed on 20 June 2011, identified the application as "U.S. National Staged Under 35 USC 371." However, a review of the submission does not provide an international application of which the 20 June 2011 submission could be a national stage. Rather it appears that the application number of the priority application was reformatted to be similar to an international application number format. Applicants' application will be processed under 35 U.S.C. §111, as requested.

CONCLUSION

For the above reasons, the petition to convert the national stage filing into a filing under 35 U.S.C. §111 is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY
OFFICE (KIPO) AND THE USPTO**

Application No.:	Not Yet Assigned	Filing Date:	Concurrently Herewith
------------------	------------------	--------------	-----------------------

First Named Inventor:	Roy E. McAlister, P.E.
-----------------------	------------------------

Title of the Invention:	SHAPING A FUEL CHARGE IN A COMBUSTION CHAMBER WITH MULTIPLE DRIVERS AND/OR IONIZATION CONTROL
----------------------------	--

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS
MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT
[HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html).**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-
IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCT/US10/42817

The international date of the corresponding
PCT application(s) is/are: July 21, 2010

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial
applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in
the English language). A statement that the English translation is accurate is attached for the
document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE KIPO AND THE USPTO**
(continued)

Application No.:	Not Yet Assigned
First Named Inventor:	Roy E. McAlister, P.E.

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☒ Is attached.

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

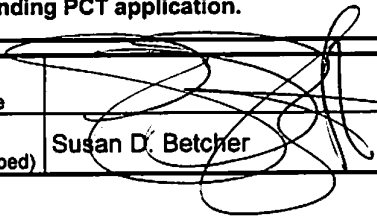
☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-24	1-24	The pending claims are identical to the claims examined in the parent PCT application.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	June 20, 2011
Name (Print/Typed)	Susan D. Betcher	Registration Number	43,498



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/141,062	06/20/2011	Roy Edward McAlister	695458308US1	2193
25096	7590	08/08/2011	EXAMINER	
PERKINS COIE LLP			GIMIE, MAHMOUD	
PATENT-SEA			ART UNIT	PAPER NUMBER
P.O. BOX 1247			3747	
SEATTLE, WA 98111-1247			NOTIFICATION DATE	DELIVERY MODE
			08/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com



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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Application of	:	
MCALISTER, ROY EDWARD et al	:	DECISION ON REQUEST TO
Application No. 13/141,062	:	PARTICIPATE IN PATENT
Filed: June 20, 2011	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 695458308US1	:	PROGRAM AND PETITION
Title: SHAPING A FUEL CHARGE IN A	:	TO MAKE SPECIAL UNDER
COMBUSTION CHAMBER WITH MULTIPLE	:	37 CFR 1.102(a)
DRIVERS AND/OR IONIZATION CONTROL	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 20, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Stephen Cronin, the SPE of Art Unit 3747 at 571-272-4536 for Class 123/445 and also accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

38706
FOLEY AND LARDNER LLP
975 Page Mill Road
Palo Alto, CA 94304

MAILED

AUG 23 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SCHLACHTA *et al* :
U.S. Application No.: 13/141,065 :
PCT No.: PCT/CA2009/001667 :
Int. Filing Date: 20 November 2009 :
Priority Date: 21 November 2008 :
Docket No.: LHSCR-0161 :
For: HANDS-FREE POINTER SYSTEM :

**DECISION ON
PETITION UNDER
37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 20 June 2011 is hereby **GRANTED** as follows:

The appropriate fees and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO**

Application No:	13/141,069	Filing date:	2011-08-18
First Named Inventor:	Uppal, N.		
Title of the Invention:	LANDING PAD WITH A BUILT-IN FIRE SUPPRESSOR		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT
application number(s) is/are:** PCT/SG2008/000496

**The international filing date of the corresponding
PCT application(s) is/are:** 2008-12-22

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the
above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English
language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE IPAU AND THE USPTO**

(continued)

Application No.: 13/141,069

First Named Inventor: Uppal, N.

- d. (1)
- An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on 2011-09-16

- (2)
- Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on 2011-09-16

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
24	1	
25	2	
26	3	
27	4	
28	5	
29	6	
30	7	
31	8	
32	9	
33	10	
34	11	Dependency changed in US claims to correct an antecedents problem.
35	12	Dependency changed in US claims to correct an antecedents problem.
36	13	
37	14	
38	15	
39	16	
40	17	
41	18	
42	19	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /JohnSEconomou/

Date 2012-01-26

Name
(Print/Typed) John S. Economou

Registration Number 38,439

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

FEB 24 2012

OFFICE OF PETITIONS

John S. Economou
202 Mamaroneck Ave., Third Floor
White Plains NY 10601

In re Application of	: DECISION ON REQUEST TO
Neelesh UPPAL	: PARTICIPATE IN PCT-PPH PROGRAM
Application No. 13/141,069	: AND PETITION TO MAKE SPECIAL
Filed: August 18, 2011	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: VJ000003	
For: LANDING PAD WITH A BUILT-IN FIRE SUPPRESSOR	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed January 26, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

Requirements (1) to (3) and (5) to (8) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (4).

Regarding requirement (4), applicant has failed to indicate that all the claims in the U.S. application correspond to the claims in the PCT application.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 2186 for action commensurate with this decision.



David Bucci
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	13/141,069 - 371 Filing of PCT/SG2008/000496	Confirmation No. 2352
International Filing Date	:	2008-12-22	
First Named Inventor	:	Uppal, N	
For	:	A LANDING PAD WITH A BUILT-IN FIRE SUPPRESSOR	
Examiner	:	Tran, L.	
Art Unit	:	3752	
Docket No.	:	VJ000003	
Customer No.	:	95050	

Mail Stop: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

March 7, 2012

REQUEST FOR RECONSIDERATION

Sir:

Applicant filed a petition to make the above-referenced application special by submitting the USPTO form entitled "Request for Participation in the Patent Cooperation Treaty – Patent Prosecution Highway (PCT-PPH) Pilot Program Between the IP Australia (IPAU) and the USPTO" on January 26, 2012. This petition is attached as Exhibit 1.

This petition was dismissed by way of a letter dated February 24, 2012 from David Bucci of the USPTO (and signed on his behalf by Thurman Page). According to this letter, the basis for the dismissal was the failure of Applicant "to indicate that all claims in the U.S. application correspond to the claims in the PCT application." Applicant hereby requests reconsideration of this decision on the grounds that Applicant did make the required indication. In fact, as evident from the second page of Exhibit 1, the USPTO form itself includes a section which states: "III.

REQUEST FOR RECONSIDERATION 2
U.S. Patent Application No. 13/141,069

Docket No.: VJ000003
March 7, 2012

All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.”

For the foregoing reasons, Applicant respectfully requests that the USPTO grant his request to make this application special under 37 CFR 1.102(a) as requested in Exhibit 1 filed on January 26, 2012.

Respectfully Submitted,

Dated: March 7, 2012

By ____/JohnSEconomou/_____
John S. Economou, Esq.
Reg. No. 38,439
202 Mamaroneck Ave., Third Floor
White Plains, NY 10601
Tel. (914) 623-8049
Fax (914) 517-5917

Exhibit 1

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO**

Application No:	13/141,069	Filing date:	2011-08-18
First Named Inventor:	Uppal, N.		
Title of the Invention:	LANDING PAD WITH A BUILT-IN FIRE SUPPRESSOR		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT
application number(s) is/are:** PCT/SG2008/000496

**The international filing date of the corresponding
PCT application(s) is/are:** 2008-12-22

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the
above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English
language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE IPAU AND THE USPTO**

(continued)

Application No.: 13/141,069

First Named Inventor: Uppal, N.

- d. (1)
- An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on 2011-09-16

- (2)
- Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on 2011-09-16

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
24	1	
25	2	
26	3	
27	4	
28	5	
29	6	
30	7	
31	8	
32	9	
33	10	
34	11	Dependency changed in US claims to correct an antecedents problem.
35	12	Dependency changed in US claims to correct an antecedents problem.
36	13	
37	14	
38	15	
39	16	
40	17	
41	18	
42	19	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /JohnSEconomou/

Date 2012-01-26

Name
(Print/Typed) John S. Economou

Registration Number 38,439



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

MAR 22 2012

OFFICE OF PETITIONS

John S. Economou
202 Mamaroneck Ave., Third Floor
White Plains NY 10601

In re Application of	: DECISION ON REQUEST TO
Neelesh UPPAL	: PARTICIPATE IN PCT-PPH PROGRAM
Application No. 13/141,069	: AND PETITION TO MAKE SPECIAL
Filed: August 18, 2011.	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: VJ000003	
For: LANDING PAD WITH A BUILT-IN FIRE SUPPRESSOR	

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed March 7, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 3752 for action commensurate with this decision.



David Bucci
Petitions Examiner
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	To be assigned	Filing date:	Concurrently herewith
First Named Inventor:	Roberto BURIONI et al.		

Title of the
Invention: ANTI-HCV MONOCLONAL ANTIBODY AS A MEDICAMENT FOR THE THERAPUTIC TREATMENT AND PREVENTION OF HCV INFECTIONS

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCT/IB2009/055867

The international filing date of the corresponding
PCT application(s) is/are: December 21, 2009

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE EPO AND THE USPTO**

(continued)

Application No.:	To be assigned
First Named Inventor:	Roberto BURIONI

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☒

Is attached

☐

Has already been filed in the above-identified U.S. application on _____

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒

Are attached.

☐

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Minor linguistic differences from PCT-1
2	2	US-2 identical to PCT-2
3	3	US-3 amended to remove dependency on claim 2
4	4	US-4 identical to PCT-4
5	5	US-5 amended to remove dependency to claims 1-4
6	6	US-6 amended to remove dependency to claims 1-4
7	7	US-7 amended to remove dependency to claims 1-6
8	8	US-8 amended to remove dependency to claims 1-7
9	9	US-9 identical to PCT-9
10	10	US-10 amended to remove dependency on claim 8
11	11	Minor linguistic differences from PCT-11
13	11	PCT-11 adapted to US practice
14	4	US-14 supported by PCT-4
15	5	US-15 supported by PCT-5
16	6	US-16 supported by PCT-6
17	7	US-17 supported by PCT-7

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature / Enrica Bruno Reg. No. 56, 149 /	Date June 20, 2011
Name (Print/Typed) Enrica Bruno	Registration Number 56149



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/141,071	06/20/2011	Roberto Burioni	P831-US	2366
72932	7590	10/25/2011	EXAMINER	
Steinfl & Bruno			DUFFY, BRADLEY	
301 N Lake Ave Ste 810			ART UNIT	
Pasadena, CA 91101			PAPER NUMBER	
			1643	
			MAIL DATE	DELIVERY MODE
			10/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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OCT 25 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena, CA 91101

In re Application of	:	DECISION ON REQUEST TO
BURIONI ET AL.	:	PARTICIPATE IN PATENT
Application No. 13/141,071	:	PROSECUTION HIGHWAY
Filed: 06/20/2011	:	PROGRAM AND PETITION
Attorney Docket No. P831-US	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed 06/20/2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH program and petition to make special require:

- (1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national stage application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application;
- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
- (6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;

- (7) Applicant must submit a claim correspondence table in English; and
- (8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/C J Tsang/
Cecilia J Tsang
Supervisory Patent Examiner
TC 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 15 2011

PCT LEGAL ADMINISTRATION

THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH PA 15222

In re Application of :
CHO, Jae Dong, et al. :
Application No.: 13/141,110 :
PCT No.: PCT/KR2009/006309 :
Int. Filing Date: 29 October 2009 :
Priority Date: 05 November 2008 :
Att. Docket No.: 6166-112145 :
For: RESIN COMPOSITION FOR ... USING :
THE SAME :

DECISION

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 21 June 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Although the Notification of Acceptance (Form PCT/DO/EO/903) mailed 12 July 2011 issued prematurely, its issuance is now appropriate and confirmed.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

James Edward Ledbetter
1875 Eye Street
Suite 1200
Washington DC 20006

MAILED

SEP 27 2011

In re Application of : DECISION ON
MIYOSHI et al :
Application No.: 13/141,181 :
PCT No.: PCT/JP2009/007195 : PCT LEGAL ADMINISTRATION
Int. Filing Date: 24 December 2009 :
Priority Date: 24 December 2008 :
Attorney's Docket No.: 009289-11129 : PAPERS FILED
For: WIRELESS COMMUNICATION.. SUB-PACKETS : UNDER 37 CFR 1.42

This is a decision on the declaration filed 27 July 2011, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 21 June 2011, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 08 July 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two(2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicants submitted on 27 July 2011 a declaration which also indicates that Megumi ICHIKAWA is the legal representative of the deceased inventor, Kenichi MIYOSHI.

DISCUSSION

The declaration is accepted under 37 CFR 1.42 because it includes the citizenship, residence, and mailing addresses of Megumi ICHIKAWA (legal representative) and the citizenship, residence and mailing address of the deceased joint inventor on the declaration. Thus, the necessary information has been provided on the declaration. Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

Thus, the requirements under 35 USC 371(c) are satisfied.

CONCLUSION

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



Rafael Bacarés
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459



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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

AUG 23 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
MANCINI	:	DECISION ON PETITION
Application No.: 13/141,243	:	
PCT No.: PCT/IT08/00790	:	UNDER 37 CFR 1.182
Int'l Filing Date: 23 December 2008	:	
Priority Date: None	:	
Attorney Docket No.:	:	
For: WHEEL FOR VEHICLES	:	

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 22 June 2011 to correct the international application number.

On 21 June 2011, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 13/141,243. However, the international application **PCT/IT06/00790** was indicated on the Electronic Acknowledgement Receipt; while the PCT application number **PCT/IT08/00790** was identified on the transmittal letter and preliminary amendment to the specification.

On 22 June 2011, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/IT08/00790 on the national stage papers filed on 21 June 2011 is **GRANTED**. The \$400 petition fee was paid.

The USPTO records will identify the present application **13/141,243** as the national stage of **PCT/IT08/00790**.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571)272-3286

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13/141,276	Filing date:	June 21, 2011
First Named Inventor:	Dimitrios Moussios		
Title of the invention:	Hydraulically Setting Sealing Composition		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/067359

The international filing date of the corresponding PCT application(s) is/are: 12/17/2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

(continued)

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on 6/21/2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 6/21/2011

[illegible]

Signature <i>Frank P. Tise</i>	Date 11/28/2011
Name (Print/Typed) Frank P. Tise	Registration Number 50379



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of
Dimitrios Moussios, et. al.
Application No.: 13/141,276
Filed: June 21, 2011
Attorney Docket No.: WAC-142US
For: HYDRAULICALLY SETTING
SEALING COMPOSITION

:
: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 28, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the Australia, Austria, EPO, Finland, JPO, KIPO, NPI, NBPR, Spain, Sweden, USPTO, or CHINA;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and the present petition fails meet condition (5) above.

In this regard, since examination of the application began December 9, 2011, the present petition cannot be granted.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application will be forwarded to the examiner to await a response to the Office action mailed on December 9, 2011.



Anthony Knight
Director
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:		Filing date:	2011.06.22
First Named Inventor:	Beat Keller		

Title of the
Invention: Characterizing an Elongate Textile Product

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFSS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCT/CH2009/000390

The international filing date of the corresponding
PCT application(s) is/are: 2009.01.07

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☐

Is attached

☒

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	Beat Keller

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

1

Is attached

☐

Has already been filed in the above-identified U.S. application on 2011.06.22

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

7

Are attached.

Have already been filed in the above-identified U.S. application on 2011.06.22

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature <u>/rwbarnesjr/</u>	Date <u>2011.06.22</u>
Name (Print/Typed) <u>Rick Barnes</u>	Registration Number <u>39596</u>

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/141,411	06/22/2011	Beat Keller	67122.US	5032
97435	7590	11/08/2011	EXAMINER	
LNG E-Mail Delivery P.O. Box 1871 Knoxville, TN 37901			ART UNIT	PAPER NUMBER
			2857	
			NOTIFICATION DATE	DELIVERY MODE
			11/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rick@thebarneshome.com
cwilliams@lng-patent.com
sharden@lng-patent.com



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LNG E-Mail Delivery
P.O. Box 1871
Knoxville TN 37901

NOV 8 2011

In re Application of
KELLER et al.
Application No.: 13/141,411
Filed: 22 June 2011
Attorney Docket No.: 67122.US
For: CHARACTERIZING AN
ELONGATE TEXTILE PRODUCT

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 22 June 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1), (5) and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirements (2-4), (6), (7).

Regarding the requirement of condition (6), applicant has failed to submit a copy of the Written Opinion (form ISA/237) indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

Regarding the requirement of condition (2), it cannot be determined if condition (2) is met since condition (6) has not been met.

Regarding the requirement of conditions (3 and 4), it cannot be determined if conditions (3 and 4) have been met since condition (6) has not been met.

Regarding the requirement of condition (7), it cannot be determined if condition (7) is met since condition (6) has not been met.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Serial Number:	13/141,411	Applicant:	Beat Keller
Filed:	2011.06.22	Confirmation No.:	5032
Group Art Unit:	2857	Title:	Characterizing an Elongate Textile Product
Attorney Docket:	67122.US		

RESPONSE TO DECISION ON PCT/PPH /EPO PETITION

Sir:

In response to the decision dated 2011.11.08 to dismiss the petition of 2011.06.22, applicants provide herewith the Written Opinion issued in the PCT application on which the present US national application claims priority.

2011.12.01
Date


Rick Barnes, 39,596

P.O. Box 1871
Knoxville TN 37901
T:1.865.546.4305
F:1.866.362.2417
RBarnes@LNG-Patent.com



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LNG/RWB Cases
C/O Luedeka, Neely & Graham, P.C.
P.O. Box 1871
Knoxville TN 37901

In re Application of : DECISION ON REQUEST TO
Beat KELLER et al. : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 13/141,411 : AND PETITION TO MAKE SPECIAL
Filed: June 22, 2011 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 67122.US
For: CHARACTERIZING AN ELONGATE TEXTILE PRODUCT

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed December 1, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

- (1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

Requirements (1) to (2) and (4) to (8) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (3).

Regarding requirement (3), whereas a translation of the PCT claims have been provided, applicant has not provided a statement of accuracy of the translation.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Anthony Knight
Director
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13141531	Filing date:	2011-06-22
First Named Inventor:	Mauro COCIGLIO		

Title of the
Invention: Measurement of Data Loss in a Communication Network

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCT/EP2008/068189

The international filing date of the corresponding
PCT application(s) is/are: 2008-12-22

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☐

Is attached

☒

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	13141531
First Named Inventor:	Mauro COCIGLIO

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

1

Is attached

☐

Has already been filed in the above-identified U.S. application on

2011-06-22

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

7

Are attached.

Have already been filed in the above-identified U.S. application on

2011-06-22

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Gary D. Fedorochko/	Date January 3, 2012
Name (Print/Typed) Gary D. Fedorochko	Registration Number 35509

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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SUITE 1200
WASHINGTON DC 20005-4051**

**MAILED
MAR 09 2012
OFFICE OF PETITIONS**

In re Application of
Mauro COCIGLIO et al.
Application No.: 13/141,531
Filed: June 22, 2011
Attorney Docket No.: 007760.00004
For: MEASUREMENT OF DATA LOSS IN A
COMMUNICATION NETWORK

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 03, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are Australia, Austria, China, EPO, Finland, JPO, Korea, Nordic Patent Institute, Russia, Spain, Sweden, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Thurman K. Page
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: FRE-P0010-02-US Application Number (if known): 13/141,562 Filing date: 06-22-2011

First Named Inventor: William F. Freije III

Title: MEMBRANE FILTRATION SYSTEM

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature: /William S Meyers/ Date: September 17, 2011

Name (Print/Typed): William S Meyers Registration Number: 42884

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐ *Total of _____ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/141,562	06/22/2011	William F. Freije III	FRE-P0010-02-US	5733
27268 7590 11/04/2011 BAKER & DANIELS LLP 300 NORTH MERIDIAN STREET SUITE 2700 INDIANAPOLIS, IN 46204			EXAMINER MELLON, DAVID C	
			ART UNIT	PAPER NUMBER
			1777	
			NOTIFICATION DATE	DELIVERY MODE
			11/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

intead@bakerd.com
cynthia.payson@bakerdaniels.com



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Commissioner for Patents
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www.uspto.gov

BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

11/4/11

In re Application of	:	
Freije et al.	:	DECISION ON PETITION
Application No. 13/141,562	:	TO MAKE SPECIAL UNDER
Filed: 6/22/2011	:	THE GREEN TECHNOLOGY
Attorney Docket No. FRE-P0010-02-US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/17/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1778 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Sterne, Kessler, Goldstein & Fox, P.L.L.C.
1100 New York Avenue, NW
Washington DC 20005

MAILED

MAR 22 2012

OFFICE OF PETITIONS

In re Application of	:	
Leyrer et al.	:	
Application No. 13/141,595	:	
371(c) Date: October 11, 2011	:	DECISION ON PETITION
Attorney Docket No. 2479.0610001/EJH/JBF	:	

This is a decision on the petition under 37 CFR 1.182, filed, February 13, 2012, to change the name of inventor "Katja Mayer" to – Katja Fischer --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1648 for examination in due course.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/141,595	10/11/2011	1648	1200	2479.0610001/EJH/JBF	20	2

CONFIRMATION NO. 5882

CORRECTED FILING RECEIPT



OC000000053225506

78078

Sterne, Kessler, Goldstein & Fox, P.L.L.C.
1100 New York Avenue, NW
Washington, DC 20005

Date Mailed: 03/20/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Sonja Leyrer, Munich, GERMANY;
Katja Fischer, Monheim, GERMANY;

Assignment For Published Patent Application

EMERGENT PRODUCT DEVELOPMENT GERMANY GMBH, Munich, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 78078

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP2009/009028 12/16/2009
which claims benefit of 61/139,991 12/22/2008

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)
EUROPEAN PATENT OFFICE (EPO) 08022296.1 12/22/2008

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 10/24/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/141,595**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Single Recombination System and Methods of Use

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM
BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO**

Application No.:	13/141,621	Filing Date:	June 22, 2011
Confirmation No.:	6042	Attorney Docket No.:	Q125201
First Named Inventor:	Franco FERMINI		
Title of the Invention:	POSITIVE DISPLACEMENT PUMP WITH IMPELLER AND METHOD OF MANUFACTURING		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html).

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/IB2009/055902

The international date of the corresponding PCT application(s) is/are: December 22, 2009

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

- ☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)

- ☒ Is attached.
☐ Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

d. (1) An information disclosure statement listing the documents cited in international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application

- ☐ Is attached.
☒ Has already been filed in the above-identified U.S. application on August 10, 2011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

- ☐ Are attached.
☒ Have already been filed in the above-identified U.S. application on August 10, 2011

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM**

BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

(continued)

Application No.:	13/148,874
First Named Inventor:	Franco FERMINI

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
11	1	Claim 11 of the US application is of similar scope to allowable claim 9 (claims 1 plus 9), of the PCT application.
12		Claim 12 of the US application depends from and is narrower than allowable claim 11.
13		Claim 13 of the US application depends from and is narrower than allowable claim 11.
14		Claim 14 of the US application depends from and is narrower than allowable claim 11.
15		Claim 15 of the US application depends from and is narrower than allowable claim 11.
16		Claim 16 of the US application depends from and is narrower than allowable claim 11.
17		Claim 17 of the US application depends from and is narrower than allowable claim 11.
18		Claim 18 of the US application depends from and is narrower than allowable claim 11.
19		Claim 19 of the US application depends from and is narrower than allowable claim 11.
20		Claim 20 of the US application depends from and is narrower than allowable claim 11.
21		Claim 21 of the US application depends from and is narrower than allowable claim 11.
22		Claim 22 of the US application depends from and is narrower than allowable claim 11.
23		Claim 23 of the US application depends from and is narrower than allowable claim 11.
24		Claim 24 of the US application depends from and is narrower than allowable claim 11.
25		Claim 25 of the US application, as presented in the Supplemental Preliminary Amendment of September 12, 2011, depends from and is narrower than allowable claim 11.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

IV. Payment of Fees:

☒ The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

☐ Credit Card.

SEND ALL CORRESPONDENCE TO:
The address associated with Customer Number:

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Signature	/Raja Saliba/	Date	September 12, 2011
Name (Print/Typed)	Raja Saliba	Registration Number	43,078



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/141,621	06/22/2011	Franco Fermini	Q125201	6042
23373 7590 09/26/2011 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			3748	
			NOTIFICATION DATE	DELIVERY MODE
			09/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of
FERMINI, FRANCO , et al.

Application No. 13/141,621

Filed: June 22, 2011

Attorney Docket No. Q125201

For: POSITIVE DISPLACEMENT PUMP WITH
IMPELLER AND METHOD OF
MANUFACTURING

: DECISION ON REQUEST TO
: PARTICIPATE IN PATENT
: PCT/PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 12, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Thomas Denion, SPE of Art Unit 3748, and 571-272-4859 for Class 418 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13141626	Filing date:	June 22, 2011
First Named Inventor:	Junaid SYED		
Title of the Invention:	Dual Polarized Reflector Antenna Assembly		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML			

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/IB2010/055114

The international filing date of the corresponding PCT application(s) is/are:
November 10, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 13141626

First Named Inventor: Junaid SYED

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒Has already been filed in the above-identified U.S. application on June 22, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒Have already been filed in the above-identified U.S. application on June 22, 2011**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	direct
2	2	direct
3	3	direct
4	4	direct
5	5	direct
6	6	direct
7	7	direct
8	8	direct
9	9	direct
10	10	direct
11	11	direct
12	12	direct
13	13	direct
14	14	direct
15	15	direct
16	16	direct
17	17	direct
18	18	direct
19, 20	19, 20	direct, direct

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Andrew Babcock, Reg. # 44517/

Date June 22, 2011

Name (Print/Typed) Andrew Babcock

Registration Number 44517

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE FEDERAL SERVICE ON INTELLECTUAL PROPERTY, PATENTS & TRADEMARKS OF RUSSIA (ROSPATENT) AND THE USPTO

Application No:	13/141,628	Filing date:	10/18/2011
First Named Inventor:	Vasily Alexandrovich Ezhov		
Title of the Invention:	METHOD FOR FORMING AND OBSERVING STEREO IMAGES HAVING MAXIMUM SPATIAL RESOLUTION AND A DEVICE FOR CARRYING OUT SAID METHOD		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML			

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/IB2009/007865

The international filing date of the corresponding PCT application(s) is/are:

12/22/2009

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)



Is attached.



Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).



Is attached.



Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM **BETWEEN ROSPATENT AND THE USPTO** (continued)

Application No.: 13/141628

First Named Inventor: Vasily Alexandrovich Ezhov

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on October 18, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on October 18, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
20	18	US claim 20 is an English translation of PCT claim 18 with minor stylistic edits
21	19	US claim 21 is an English translation of PCT claim 19 with minor stylistic edits
22	1	US claim 22 is an English translation of PCT claim 1 with minor stylistic edits
23	2	US claim 23 is an English translation of PCT claim 2 with minor stylistic edits
24	3	US claim 24 is an English translation of PCT claim 3 with minor stylistic edits
25	4	US claim 25 is an English translation of PCT claim 4 with minor stylistic edits
26	5	US claim 26 is an English translation of PCT claim 5 with minor stylistic edits
27	6	US claim 27 is an English translation of PCT claim 6 with minor stylistic edits
28	7	US claim 28 is an English translation of PCT claim 7 with minor stylistic edits
29	8	US claim 29 is an English translation of PCT claim 8 with minor stylistic edits
30	9	US claim 30 is an English translation of PCT claim 9 with minor stylistic edits
31	10	US claim 31 is an English translation of PCT claim 10 with minor stylistic edits
32	11	US claim 32 is an English translation of PCT claim 11 with minor stylistic edits
33	12	US claim 33 is an English translation of PCT claim 12 with minor stylistic edits
34	13	US claim 34 is an English translation of PCT claim 13 with minor stylistic edits
35	14	US claim 35 is an English translation of PCT claim 14 with minor stylistic edits
36	15	US claim 36 is an English translation of PCT claim 15 with minor stylistic edits
37	16	US claim 37 is an English translation of PCT claim 16 with minor stylistic edits
38	17	US claim 38 is an English translation of PCT claim 17 with minor stylistic edits

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date November 11, 2011
Name (Print/Typed) Alexey V Saprigin	Registration Number 56,439

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II)

(PCT Rules 44bis.3(c) and 72.2)

To:

RADOMSKY, Leon
Foley & Lardner LLP
3000 K Street NW
Washington, DC 20007
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 14 July 2011 (14.07.2011)	
Applicant's or agent's file reference 096957-0001	IMPORTANT NOTIFICATION
International application No. PCT/IB2009/007865	International filing date (day/month/year) 22 December 2009 (22.12.2009)
Applicant STUNNY 3D, LLC et al	

1. **Transmittal of the translation to the applicant.**

☒ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AO, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PE, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Cecile Chatel

Facsimile No. +41 22 338 82 70

e-mail: ro.ib@wipo.int

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 096957-0001	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IB2009/007865	International filing date (<i>day/month/year</i>) 22 December 2009 (22.12.2009)	Priority date (<i>day/month/year</i>) 25 December 2008 (25.12.2008)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant STUNNY 3D, LLC			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report
05 July 2011 (05.07.2011)

Authorized officer

Cecile Chatel

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

e-mail: ro.ib@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **22.04.2010**

Applicant's or agent's file reference
096957-0001

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2009/007865

International filing date (day/month/year)
22.12.2009

Priority date (day/month/year)
25.12.2008

International Patent Classification (IPC) or both national classification and IPC
H04N15/00 G06T17/00

Applicant
STUNNY 3D, LLC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/RU

Date of completion of this opinion

Authorized officer

Facsimile No.

Telephone No.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IB2009/007865

Box No. I

Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
 - a. (means)

☐ on paper
☐ in electronic form
 - b. (time)

☐ in the international application as filed
☐ together with the international application in electronic form
☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IB2009/007865

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-19	YES
	Claims		NO
Inventive step (IS)	Claims	1-19	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO

2. Citations and explanations:

The prior art closest to the claimed invention is the method for observing stereo images at full resolution for each viewing angle and the device for implementing same disclosed in document WO 2008130277 A1. Said method is characterized by the fact that a light wave is generated with the aid of an optical source, the magnitude of the intensity of the light wave is modulated with the aid of a real-amplitude first optical modulator, polarization coding of the light wave is performed with the aid of a matrix-addressed second optical modulator, polarization decoding is performed with the aid of a spatially selective optical decoder and then the viewing angles of the stereo image are observed. The device comprises an information signal source, a real-amplitude first optical modulator, a matrix-addressed second optical modulator and a spatially selective optical decoder.

D1 does not disclose an embodiment of a stereo image on different optimized optical structures with autocompensation of the parasitic nonlinear components of the transmission characteristics of the optical

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IB2009/007865

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

structures independently of the degree of complexity thereof and also does not disclose an embodiment of said method in the case where the analytical dependency of the light polarization state on the magnitude of the electrically controllable birefringence or on the capacity to rotate the plane of polarization is not known.

Therefore, the inventions according to claims 1, 10 and 18 satisfy the criterion of novelty.

RU 2306680 C1 discloses a method for generating and observing stereo images at maximum spatial resolution using passive polarization stereo lenses. RU 2097940 C1 discloses a method for producing and reproducing a three-dimensional image and a device for implementing same. Said device comprises a unit for generating a signal of the three-dimensional image, a communications channel and a unit for reproducing the three-dimensional image.

US 4884876 A discloses an autostereoscopic display with high resolution. The above-mentioned documents do not disclose an embodiment of a stereo image on different optimized optical structures with autocompensation of the parasitic nonlinear components of the transmission characteristics of the optical structures independently of the degree of complexity thereof either.

Therefore, the prior art does not disclose the above-mentioned characterizing features of the methods according to claims 1 and 10 and of the device according to claim 18. Consequently, the invention according to claims 1, 10 and 18 satisfies the criterion of inventive

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IB2009/007865

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

step.

Claims 2-9 are dependent on claim 1, claims 11-17 are dependent on claim 10, and claim 19 is dependent on claim 18, and therefore all of said claims satisfy the criteria of novelty and inventive step.

The invention according to claims 1-19 satisfies the criterion of industrial applicability.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007**

MAILED

JAN 24 2012

OFFICE OF PETITIONS

In re Application of
Ezhov, Vasily Alexandrovich
Application No.: 13/141,628
Filed: October 18, 2011
Attorney Docket No.: 093151-0120
For: METHOD FOR FORMING AND
OBSERVING STEREO IMAGES HAVING
MAXIMUM SPATIAL RESOLUTION AND A
DEVICE FOR CARRYING OUT SAID METHOD

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 11, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the

English language; .

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	13141628	
Filing Date	18-Oct-2011	
First Named Inventor	Vasily Ezhov	
Art Unit	2486	
Examiner Name		
Attorney Docket Number	093151-0120	
Title	METHOD FOR FORMING AND OBSERVING STEREO IMAGES HAVING MAXIMUM SPATIAL RESOLUTION AND A DEVICE FOR CARRYING OUT SAID METHOD	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22428		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Alec Fesenko Stunny 3D	
Address	PO Box 11684	
City	Washington	
State	DC	
Postal Code	20008	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Courtenay C. Brinckerhoff/
Name	Courtenay C Brinckerhoff
Registration Number	37288



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 15, 2012

In re Application of :

Vasily Ezhov

Application No : 13141628

Filed : 18-Oct-2011

Attorney Docket No : 093151-0120

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 15, 2012

The request is **APPROVED**.

The request was signed by Courtenay C Brinckerhoff (registration no. 37288) on behalf of all attorneys/agents associated with Customer Number 22428 . All attorneys/agents associated with Customer Number 22428 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Alec Fesenko
Name2 Stunny 3D
Address 1 PO Box 11684
Address 2
City Washington
State DC
Postal Code 20008
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

CHARLES W. GRAY
KILPATRICK TOWNSEND & STOCKTON LLP
1400 WEWATTA STREET, SUITE 600
DENVER, CO 80202

MAILED

JUL 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
WEIMING HE ET AL :
U.S. Application No.: 13/141629 :
PCT No.: PCT/CN2008/072910 :
Int. Filing Date: 03 November 2008 :
Priority Date: 16 September 2008 :
For: ELECTRICITY GENERATING BASED :
ON THE DIFFERENCE IN :
TEMPERATURE ELECTRONIC :

DECISION ON PETITION

The petition to revive under 37 CFR 1.137(b) filed 22 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has been provided. The required petition fee of \$1620 has been paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for further processing including issuance of a Notification of Missing Requirements, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), is required along with the surcharge for filing the oath or declaration after the thirty-month period.

Wanda Banks
Paralegal Specialist
Office of PCT Legal Administration
Tel: (571) 272-3277

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Group Art Unit: Unassigned
Kenji IKEDA)	Confirmation No.: 6135
Application No.: 13/141,635)	
Filed: June 22, 2011)	
For: VALVE TIMING CONTROL)	
APPARATUS)	

**SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT
PROSECUTION HIGHWAY PROGRAM BETWEEN THE USPTO AND THE JPO
BASED ON PCT WORK PRODUCT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the U.S. Patent and Trademark Office Notice signed on January 23, 2010 setting forth the Patent Prosecution Highway Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products (hereinafter "Notice"), submitted with this paper is a Request for Participation in the PCT-PPH Pilot Program between the JPO and the USPTO (hereinafter "Request"). By way of the accompanying Request, Applicant requests participation in the PCT-PPH Program and petitions to make this application special under the PCT-PPH program.

This application is the U.S. national stage application of International Application No. PCT/JP2010/052272 (hereinafter "corresponding international application"). Accordingly, the relationship between this U.S. application for which participation in the PCT-PPH pilot program is requested, and the corresponding international application satisfies requirement B(1)(a) illustrated in the Notice.

Applicant has therefore fully complied with the requirement of identifying the relationship between this U.S. application and the PCT application.

The latest work product of the Japan Patent Office (JPO) in the corresponding international application, namely the Written Opinion of the International Searching Authority (hereinafter "Written Opinion"), states that all of the claims in the corresponding international application satisfy the requirements of novelty, inventive step, and industrial applicability. A copy of the Written Opinion constituting the latest work product of the Japan Patent Office (JPO) in the corresponding international application is submitted with this paper, together with an English language translation of the Written Opinion.

Also submitted with this paper is a copy of the claims from the corresponding international application which the Written Opinion states satisfy the novelty, inventive step and industrial applicability requirements. These claims are accompanied by an English language translation of the claims.

The English language translation of the Written Opinion and the English language translation of the claims are accompanied by a statement that the English language translations are accurate.

Claims 1-9 in this U.S. national stage application are the same as Claims 1-9 respectively in the corresponding international application, except for elimination of multiple dependencies in several of the dependent claims. The accompanying Request includes a claims correspondence table indicating how the claims in this U.S. national stage application correspond to the claims in the corresponding international application.

The documents cited in the Written Opinion are listed in the First Information Disclosure Statement filed with this application on June 22, 2011, and copies of the listed documents, other than the U.S. patents and U.S. patent application publications, were provided.


The Director is hereby authorized to charge any other appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

If any questions arise concerning this matter, the undersigned attorney can be contacted at the telephone number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 19, 2011

By: 
Matthew L. Schneider
Registration No. 32814

Customer No. 21839
703 836 6620

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO			
Application No.:	13/141,635	Filing date:	June 22, 2011
First Named Inventor:	Kenji IKEDA		
Title of the Invention:	VALVE TIMING CONTROL APPARATUS		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-Web. INFORMATION REGARDING EFS-Web IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/efs_help.html .			
APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.			
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of the U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.			
The corresponding PCT application number(s) is/are:		PCT/JP2010/052272	
The international date of the corresponding PCT application(s) is/are:		February 16, 2010	
<p>I. List of Required Documents:</p> <p>a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)</p> <p><input checked="" type="checkbox"/> Is attached.</p> <p><input type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p> <p>b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)</p> <p><input checked="" type="checkbox"/> Is attached.</p> <p><input type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p> <p>c. English translations of the documents in a. and b. above are attached (if the documents are not in English language). A statement that the English translation is accurate is attached for the document in b. above.</p>			

(continued)

Application No.: 13/141,635

First Named Inventor: Kenji IKEDA

- d. (1) An information disclosure statement listing the documents cited in the JPO office actions

☐ Is attached.

☒ Has already been filed in the above identified U.S. Application on June 22, 2011

- (2) Copies of all documents (except for U.S. patents or U.S. patent application publications)**

☐ Are attached.

☒ Have already been filed in the above identified U.S. application on June 22, 2011

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	August 19, 2011
Name (Print/Typed)	Matthew L. Schneider	Registration Number	32,814

Claims from International Application No. PCT/JP2010/052272
which were indicated as having novelty, inventive step
and industrial applicability in the Written Opinion
issued in the international application

請求の範囲

- [請求項1] 内燃機関のクランクシャフトに対して同期回転する駆動側回転体と、
、
前記駆動側回転体に対して同軸上に配置され、前記内燃機関の弁開閉用のカムシャフトに同期回転する従動側回転体と、
前記駆動側回転体と前記従動側回転体とで形成された流体圧室と、
前記流体圧室を進角室と遅角室とに仕切るよう前記駆動側回転体及び前記従動側回転体の少なくとも一方に設けられた仕切部と、
前記駆動側回転体または前記従動側回転体の何れか一方に形成された収容部に配設され、前記収容部とは反対側の回転体に対して出退するロック部材と、前記ロック部材が突出して係止可能となるよう前記反対側の回転体に形成されたロック溝とを有し、前記ロック部材が前記ロック溝に係止したときに、前記駆動側回転体に対する前記従動側回転体の相対回転位相を拘束するロック機構と、
前記ロック部材の出退方向において前記ロック部材に対する相対移動及び前記ロック部材との一体移動が可能となるよう前記収容部に配設され、前記反対側の回転体に対して出退する規制部材と、前記規制部材が突出可能となるよう前記反対側の回転体に長穴形状に形成された規制溝とを有し、前記規制部材が前記規制溝に突出したときに、前記相対回転位相を所定範囲に規制する規制機構と、を備えた弁開閉時期制御装置。
- [請求項2] 前記ロック機構が、前記相対回転位相を最進角位相、最遅角位相、または前記最進角位相と前記最遅角位相との間の所定位相に拘束し、
前記規制機構が、前記相対回転位相を前記最進角位相または前記最遅角位相の何れか一方から前記所定位相までの範囲に規制するよう構成してある請求項1に記載の弁開閉時期制御装置。
- [請求項3] 前記ロック部材に作動流体を作用させて、前記ロック部材を前記ロック溝から引退させることが可能なロック解除通路と、

前記規制部材が前記規制溝に突出したときのみ、前記規制部材に前記作動流体を作用させて、前記規制部材を前記規制溝に突出した状態に保持することが可能な規制保持通路と、

前記ロック部材が前記ロック溝から引退したときのみ、前記ロック部材及び前記規制部材のうち少なくとも前記ロック部材に前記作動流体を作用させて、前記ロック部材を介して前記規制部材を前記規制溝から引退させることが可能な規制解除通路と、を備えた請求項 1 または 2 に記載の弁開閉時期制御装置。

[請求項 4] 前記ロック解除通路が、前記収容部側の回転体に形成され、前記進角室または前記遅角室の何れか一方と前記収容部とを常時連通し、

前記規制保持通路が、前記収容部側の回転体に形成され、前記進角室及び前記遅角室のうち前記ロック解除通路が連通する室と同じ室と前記収容部とを連通可能であり、

前記規制解除通路が、前記駆動側回転体または前記従動側回転体の何れか一方に形成され、前記進角室及び前記遅角室のうち前記ロック解除通路が連通する室とは反対側の室と前記収容部とを連通可能であり、

前記ロック解除通路及び前記規制保持通路と前記規制解除通路とが前記収容部を介して連通しないよう構成してある請求項 3 に記載の弁開閉時期制御装置。

[請求項 5] 前記ロック部材が前記規制部材を包持するよう構成され、前記ロック溝と前記規制溝とが一体的に形成されている請求項 3 または 4 に記載の弁開閉時期制御装置。

[請求項 6] 前記規制部材が、第一軸部と該第一軸部のうち前記出退方向の引退側に設けられた第一フランジ部とを有すると共に、前記ロック部材が、前記第一軸部のうち前記出退方向の突出側の部分を包持する第二軸部と該第二軸部に設けられた第二フランジ部とを有し、

前記第一フランジ部と前記第二フランジ部と前記第二軸部のうち前

記出退方向の突出側の部分とが、前記收容部に対して摺動可能であり

、
前記規制保持通路が、前記收容部のうち前記出退方向の引退側の部分と前記第一フランジ部との間の第一空間に接続され、

前記ロック解除通路が、前記收容部のうち前記出退方向の突出側の部分と前記第二フランジ部との間の第二空間に接続され、

前記規制解除通路が、前記ロック部材が前記ロック溝から引退したときに生じる前記收容部と前記第二軸部の突出側先端部との間の第三空間に接続され、

前記規制部材が前記規制溝から引退したとき、前記規制保持通路が前記第一フランジ部によって閉塞されるよう構成してある請求項5に記載の弁開閉時期制御装置。

[請求項7] 前記出退方向において、前記規制保持通路からの前記作動流体が作用する前記規制部材の受圧面積が、前記ロック解除通路からの前記作動流体が作用する前記ロック部材の受圧面積よりも大きくなるよう構成してある請求項6に記載の弁開閉時期制御装置。

[請求項8] 前記規制部材を前記規制溝に突出するよう付勢する第一付勢機構と、前記ロック部材と前記規制部材とを前記出退方向に互いに離間するよう付勢する第二付勢機構と、を備えた請求項6または7に記載の弁開閉時期制御装置。

[請求項9] 前記進角室及び前記遅角室に対する作動流体の供給及び排出を制御する流体制御弁を更に備え、

前記流体制御弁から供給される作動流体の作用によって、前記ロック部材及び前記規制部材が動作するよう構成してある請求項1から8の何れか一項に記載の弁開閉時期制御装置。

特許協力条約

発信人 日本国特許庁（国際調査機関）

代理人

北村修一郎

様

あて名

〒530-0005

日本国大阪府大阪市北区中之島三丁目3番3号



PCT

国際調査機関の見解書
(法施行規則第40条の2)
[PCT規則43の2.1]

発送日

(日.月.年)

23. 03. 2010

出願人又は代理人

の書類記号 PCT110-006

今後の手続きについては、下記2を参照すること。

国際出願番号

PCT/J P 2010/052272

国際出願日

(日.月.年) 16. 02. 2010

優先日

(日.月.年) 22. 04. 2009

国際特許分類 (IPC) Int.Cl. F01L1/34(2006.01)i

出願人 (氏名又は名称)

アイシン精機株式会社

1. この見解書は次の内容を含む。

- ☒ 第I欄 見解の基礎
☐ 第II欄 優先権
☐ 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
☐ 第IV欄 発明の単一性の欠如
☒ 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
☐ 第VI欄 ある種の引用文献
☐ 第VII欄 国際出願の不備
☐ 第VIII欄 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日

12. 03. 2010

名称及びあて先

日本国特許庁 (ISA/J P)

郵便番号100-8915

東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)

角田 貴章

電話番号 03-3581-1101 内線 3355

3G

3622

第Ⅴ欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求項	1-9	有
	請求項		無
進歩性 (I S)	請求項	1-9	有
	請求項		無
産業上の利用可能性 (I A)	請求項	1-9	有
	請求項		無

2. 文献及び説明

文献1 : JP 11-311107 A (アイシン精機株式会社) 1999. 11. 09, 段落 0014-0031, 第 1-5 図

& US 6053139 A & DE 19918910 A1

文献2 : JP 2003-214123 A (株式会社デンソー) 2003. 07. 30, 段落 0011-0028, 第 1-6 図 (ファミリーなし)

文献3 : JP 2007-132272 A (アイシン精機株式会社) 2007. 05. 31, 段落 0015-0039, 第 1-7 図 (ファミリーなし)

文献4 : JP 2002-357105 A (株式会社デンソー) 2002. 12. 13, 段落 0038-0079, 全図

& US 2002/0139332 A1 & DE 10213831 A

文献5 : JP 2006-9673 A (株式会社日立製作所) 2006. 01. 12, 段落 0018-0067, 第 1-13 図

& US 2005/0284432 A1 & DE 102005028680 A

請求項1-9に係る発明は、国際調査報告で引用された文献1-5に対して進歩性を有する。

文献1-5には、「ロック部材の出退方向において前記ロック部材に対する相対移動及び前記ロック部材との一体移動が可能となるよう、ロック部材が配設された収容部に配設され、前記収容部とは反対側の回転体に対して出退する規制部材」が記載されていない。一方、本願発明は、それにより、簡易な構成かつ少ない部品点数で相対回転位相を確実に最進角位相と最遅角位相との間の所定位相に拘束又は規制するという有利な効果を発揮する。

第 I 欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。

☒ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である _____ 語に翻訳された、この国際出願の翻訳文
(PCT規則12.3(a)及び23.1(b))

2. ☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT規則 43 の 2.1(b))。

3. この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、提出された以下の配列表に基づき見解書を作成した。

a. 提出手段 ☐ 紙形式

☐ 電子形式

b. 提出時期 ☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4. ☐ さらに、複数の版の配列表又は配列表の写しを提出した場合、出願後に提出した配列の写し若しくは追加して提出した配列の写しが、出願時に提出した配列と同一である旨又は出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5. 補足意見：

Translator's Declaration

I, Yoshitaka HATAYAMA, hereby state that I am knowledgeable in the Japanese and English languages and that the attachments are, to the best of my knowledge and belief, true and accurate English translations of the Written Opinion of the International Searching Authority issued in International Application No. PCT/JP2010/052272 and of originally filed Claims 1-9 which the aforementioned Written Opinion states meet the novelty, inventive step and industrial applicability requirements.

August 18, 2011
Date

Y. Hatayama
Signature

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY**(PCT Rule 43 bis. 1)**

1. This opinion contains indications relating to the following items:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis the opinion |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

a. (means)

☐ on paper

☐ in electronic form

b. (time)

☐ in the international application as filed

☐ together with the international application in electronic form

☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No.V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty(N)	Claims <u>1-9</u>	YES
	Claims _____	NO
Intensive step(IS)	Claims <u>1-9</u>	YES
	Claims _____	NO
Industrial applicability(IA)	Claims <u>1-9</u>	YES
	Claims _____	NO

2. Citations and explanations

D1: JP11-311107A (Aisin Seiki Co., Ltd.), 09 November 1999 (09.11.1999), paragraphs [0014] to [0031]; fig.1 to 5 & US6053139A & DE19918910A1

D2: JP2003-214123A (Denso Corp.), 30 July 2003 (30.07.2003), paragraphs [0011] to [0028]; fig. 1 to 6 (Family: none)

D3: JP2007-132272A (Aisin Seiki Co., Ltd.), 31 May 2007 (31.05.2007), paragraphs [0015] to [0039]; fig. 1 to 7 (Family: none)

D4: JP2002-357105A (Denso Corp.), 13 December 2002 (13.12.2002), paragraphs [0038] to [0079]; all drawings & US2002/0139332A1 & DE10213831A

D5: JP2006-9673A (Hitachi Ltd.), 12 January 2006 (12.01.2006), paragraphs [0018] to [0067]; fig. 1 to 13 & US2005/00284432A1 & DE102005028680A

The subject matters of claims 1-9 have inventive step over the documents; D1-D5 cited in the International Search Report.

The documents D1-D5 fail to describe:

“a restricting member disposed within said accommodating portion and projectable to and retractable from said other rotor so as to be movable relative to and together with said locking member along a projecting/retracting direction of said locking member”.

On the other hand, the present invention achieves, with the above, the advantageous effect of reliably restraining or restricting a relative rotational phase to a predetermined phase between the most advanced angle phase and the most retarded angle phase, with a simple arrangement and with a small number of components.

Translation of the Japanese claims in the international application which the WO says meet the novelty, inventive step and industrial applicability requirements

Claims

1. A valve timing control apparatus comprising:
 - a drive-side rotor rotatable in synchronism with a crankshaft of an internal combustion engine;
 - a driven-side rotor disposed coaxially relative to the drive-side rotor and rotatable in synchronism with a valve opening/closing cam shaft of the internal combustion engine;
 - a fluid pressure chamber formed by said drive-side rotor and said drive-side rotor;
 - a partitioning portion provided in at least one of said drive-side rotor and said driven-side rotor for partitioning said fluid pressure chamber into an advanced angle chamber and a retarded angle chamber;
 - a locking mechanism including:
 - a locking member disposed within an accommodating portion formed in one of said drive-side rotor and said driven-side rotor and projectable to and retractable from the other rotor than the one rotor having said accommodating portion; and
 - a locking groove defined in said other rotor for receiving and retaining said locking member projected therein;
 - said locking mechanism restraining a relative rotational phase of said driven-side rotor relative to said drive-side rotor when said locking member is retained within said locking groove; and
 - a restricting mechanism including:
 - a restricting member disposed within said accommodating portion and projectable to and retractable from said other rotor so as to be movable relative to and together with said locking member in a projecting/retracting direction of said locking member; and
 - a restricting groove defined in the form of an elongate slot in said other rotor so as to receive said restricting member projected therein;
 - said restricting mechanism restricting said relative rotational phase within a predetermined range when said restricting member projects into said restricting groove.

2. The valve timing control apparatus according to claim 1, wherein said locking mechanism is configured to restrain the relative rotational phase to the most advanced angle phase, the most retarded angle phase or a predetermined phase between the most advanced angle phase and the most retarded angle phase, and

said restricting mechanism is configured to restrict the relative rotational phase within a range from either the most advanced angle phase or the most retarded angle phase to said predetermined phase.

3. The valve timing control apparatus according to claim 1 or 2, further comprising:

a lock releasing passageway capable of applying work fluid to said locking member to retract this locking member from said locking groove;

a restriction retaining passageway capable of applying the work fluid to said restricting member only when said restricting member has projected into said restricting groove for retaining this restricting member projected into said restricting groove; and

a restriction releasing passageway capable of applying the work fluid at least to said locking member of the locking member and the restricting member only when said locking member has retracted from said locking groove for retracting the restricting member from the retracting groove via the locking member.

4. The valve timing control apparatus according to claim 3, wherein:

said lock releasing passageway is formed in the rotor having said accommodating portion for establishing constant communication between either said advanced angle chamber or said retarded angle chamber and said accommodating portion;

said restriction retaining passageway is formed in said rotor having said accommodating portion and capable of establishing communication between said accommodating portion and the same one chamber of the advanced angle chamber and the retarded angle chamber as said chamber communicated by said lock releasing passageway;

said restriction releasing passageway is formed in either said drive-side rotor or said driven-side rotor and capable of establishing communication between said accommodating portion and the other chamber of said advanced angle chamber and said retarded angle chamber than the one chamber communicated by said lock releasing passageway; and

neither said lock releasing passageway nor said restriction retaining passageway are communicated with said restriction releasing passageway via said accommodating portion.

5. The valve timing control apparatus according to claim 3 or 4, wherein said locking member is configured to hold said restricting member therein, and said locking groove and said restricting groove are formed integral.

6. The valve timing control apparatus according to claim 5, wherein:
said restricting member includes a first shaft portion and a first flange portion provided on the retracting side in the projecting/retracting direction of the first shaft portion;

said locking member includes a second shaft portion for holding a portion of the first shaft portion on the projecting side in the projecting/retracting direction and a second flange portion provided in said second shaft portion;

said first flange portion, said second flange portion and a portion on the projecting side in the projecting/retracting direction of the second shaft portion are slidable relative to said accommodating portion;

said restriction retaining passageway is connected to a first space formed between a portion of the accommodating portion on the retracting side in the projecting/retracting direction and said first flange portion;

said lock releasing passageway is connected to a second space formed between a portion of the accommodating portion on the projecting side in the projecting/retracting direction and the second flange portion;

said restriction releasing passageway is connected to a third space formed between said accommodating portion and a projecting side leading end portion of the second shaft portion when the locking member has retracted from the locking groove; and

when the restricting member is retracted from the restricting groove, said restriction retaining passageway is closed by said first flange portion.

7. The valve timing control apparatus according to claim 6, wherein as viewed along the projecting/retracting direction, a pressure receiving area of said restricting member receiving the work fluid from said restriction retaining passageway is set greater than a pressure receiving area of said locking member receiving the work fluid from said lock releasing passageway.

8. The valve timing control apparatus according to claim 6 or 7, further comprising:

a first urging mechanism for urging said restricting member to be projected into the restricting groove; and

a second urging mechanism for urging said locking member and said restricting member away from each other along the projecting/retracting direction.

9. The valve timing control apparatus according to any one of claims 1-8, wherein further comprising:

a fluid control valve for controlling feeding/discharging of the work fluid to/from the advanced angle chamber and the retarded angle chamber;

wherein said locking member and said restricting member are operated in response to action of the work fluid fed from said fluid control valve.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/141,635	06/22/2011	Kenji Ikeda	1034290-000062	6135
21839 7590 09/26/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER	
			ART UNIT	PAPER NUMBER
			3748	
			NOTIFICATION DATE	DELIVERY MODE
			09/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
offserv@bipc.com



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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of

IKEDA, KENJI

Application No. 13/141,635

Filed: June 22, 2011

Attorney Docket No. 1034290-000062

For: VALVE TIMING CONTROL APPARATUS

: DECISION ON REQUEST TO
: PARTICIPATE IN PATENT
: PCT/PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 19, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Thomas Denion, SPE of Art Unit 3748, and 571-272-4859 for Class 123 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

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SEP 26 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
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In re Application of :
Liu et al. :
Application No.: 13/141,646 :
PCT No.: PCT/CN2009/073966 :
Int. Filing Date: 16 September 2009 : DECISION
Priority Date: 22 December 2008 :
Attorney Docket No.: 31562-FP110039US/A :
For: Method For Measuring Distance Between Coordinate :
Indicator And Coordinate Input Device :

This is in response to the correspondence filed on 22 June 2011.

BACKGROUND

International application PCT/CN2009/073966 was filed on 16 September 2009, claimed an earlier priority date of 22 December 2008, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 01 July 2010. The period for payment of the basic national fee in the United States expired as of midnight on 22 June 2011. Applicants filed *inter alia* a basic national fee in 13/141,646 on 22 June 2011.

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter and ADS filed on 22 June 2011 referred to PCT/CN2009/073966, whereas the Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicants indicated that "PCT/US09/73966" was to enter the national stage. Inspection of published international application PCT/CN2009/073966 reveals that its bibliographic data is similar to that indicated for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was to enter the national stage under 35 U.S.C. 371.

DECISION

The papers filed on 22 June 2011 are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice, as described above.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



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201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

MAILED

DEC 16 2011

In re Application of	:	PCT LEGAL ADMINISTRATION
Liu et al.	:	
Application No.: 13/141,646	:	
PCT No.: PCT/CN2009/073966	:	
Int. Filing Date: 16 September 2009	:	DECISION
Priority Date: 22 December 2008	:	
Attorney Docket No.: 31562-FP110039US/A	:	
For: Method For Measuring Distance Between Coordinate	:	
Indicator And Coordinate Input Device	:	

This is in response to the petition under 37 CFR 1.182 filed on 04 October 2011.

DISCUSSION

In a Decision mailed on 26 September 2011, applicants were advised that

Review of the instant application file reveals that the Transmittal Letter and ADS filed on 22 June 2011 referred to PCT/CN2009/073966, whereas the Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicants indicated that "PCT/US09/73966" was to enter the national stage. Inspection of published international application PCT/CN2009/073966 reveals that its bibliographic data is similar to that indicated for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was to enter the national stage under 35 U.S.C. 371.

In response, petitioner affirms that applicants intended to designate "PCT/CN09/73966" as the international application entering the national stage under 35 U.S.C. 371, and that the reference to "PCT/US09/73966" arose from "an unintentional typographical error." Based on the totality of the evidence now of record, it would be appropriate to accept petitioner's statements as to the nature of the discrepancy and as to the identity of the international application intended to enter the national stage.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for continued processing as the national stage under 35 U.S.C. 371 of PCT/CN2009/073966. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **26 October 2011**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



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PCT LEGAL ADMINISTRATION

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of: LANGE, Michael :
U.S. Application No.: 13/141,664 :
PCT No.: PCT/SE2008/051458 :
International Filing Date: 15 December 2008 :
Priority Date: 15 December 2008 :
Attorney's Docket No.: 1876.199US1 :
For: SEALED EDGE FRAME :

**DECISION ON PETITION UNDER
37 CFR 1.137(b)**

The petition for revival under 37 CFR 1.137(b) filed 22 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/SE2008/051458 became abandoned with respect to the United States at midnight on 15 June 2011 based on applicant's failure to submit payment of the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by the authorization to charge Deposit Account No. 19-0743 the required petition fee and the "required reply" in the form of the filing of the present national stage application and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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44696

Dr. Mark M. Friedman
Moshe Aviv Tower, 54th Floor, 7 Jabotinsky St.
Ramat Gan 52520
Israel

MAILED

AUG 09 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BERKOVICH *et al* :
Application No.: 13/141,696 :
PCT No.: PCT/IB2009/055653 :
Int. Filing Date: 10 December 2009 :
Priority Date: 24 December 2008 :
Docket No.: 26/1066 :
For: SYSTEM FOR USING :
THREE-DIMENSIONAL MODELS TO :
ENABLE IMAGE COMPARISONS :
INDEPENDENT OF IMAGE SOURCE :

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 23 June 2011, applicants filed papers electronically with the USPTO EFS-Web system to enter the national stage of PCT/IB2009/055653 at 06:44:45 using attorney docket number 26/1066. This application was given U.S. application number 13/141,695. No fees were paid.

A second set of national stage papers for PCT/IB2009/055653 was filed at 06:58:33 on the same day using the same attorney docket number. The second filing was denoted as U.S. application number 13/141,696. Fees totaling \$1,842.00 were provided in the second application.

On 18 April 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt in U.S. application number 13/141,696.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application of PCT/IB2009/055653. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an international application. Both filings indicate that each filing is a "U.S. National Stage under 35 USC 371" of PCT/IB2009/055653. No conflicting instructions appear in any of the application papers.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/IB2009/055653 and denoted as U.S. application No. **13/141,696**.

Applicants must use only U.S. application No. **13/141,696** for all correspondence to the national stage application of PCT/IB2009/055653.

Applicants are advised that U.S. application No. 13/141,695 is no longer a valid U.S. National stage application.

This application is being forwarded to the DO/EO/US for continued processing.



James Thomson
Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND
THE USPTO**

Application No:	13/141,831	Filing date:	08-29-2011
-----------------	------------	--------------	------------

First Named Inventor:	Walter Cabri
-----------------------	--------------

Title of the Invention:	RETINOID DERIVATIVES ENDOWED WITH CYTOTOXIC AND/OR ANTIANGIOGENIC PROPERTIES
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT
[HTTP://WWW.USPTO.GOV/EBS/EF_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCT/EP2009/067667

The international filing date of the corresponding
PCT application(s) is/are: 12-21-2009

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified
corresponding PCT application(s)



Is attached

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the
above-identified corresponding PCT application(s).



Is attached.

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English
language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE EPO AND THE USPTO**

(continued)

Application No.:	13/141,831
First Named Inventor:	Walter Cabri

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.



Is attached



Has already been filed in the above-identified U.S. application on _____

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)



Are attached.



Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	has novelty and inventive step as per IPER
2	2	has novelty and inventive step as per IPER
3	3	has novelty and inventive step as per IPER
4	4	has novelty and inventive step as per IPER
5	5	has novelty and inventive step as per IPER
6	6	has novelty and inventive step as per IPER
7	7	has novelty and inventive step as per IPER
8	8	has novelty and inventive step as per IPER
9	9	has novelty and inventive step as per IPER
10	10	has novelty and inventive step as per IPER
11	11	has novelty and inventive step as per IPER
12	12	has novelty and inventive step as per IPER
13	13	has novelty and inventive step as per IPER
14	14	has novelty and inventive step as per IPER
15	15	has novelty and inventive step as per IPER

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature <i>Deborah L. Lu</i>	Date September 14, 2011
Name (Print/Typed) Thomas J. Kowalski; Deborah L. Lu	Registration Number 32,147; 50,940

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	13/141,832	Filing date:	TBD
First Named Inventor:	Rajeev K. Dokania		
Title of the Invention:	SYSTEMS AND METHODS FOR PCT BASED UWB IMPULSE RADIO WITH LOCALIZED SYNCHRONIZATION DETECTION AND RETENTION		

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT
[HTTP://WWW.USPTO.GOV/EBS/EF_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT
application number(s) is/are:** PCT/US09/69195

**The international filing date of the corresponding
PCT application(s) is/are:** 22 December 2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	13/141,832
First Named Inventor:	Rajeev K. Dokania


- ☐ **WORKSHEET, W-2**
Is attached

June 23, 2011

- ☐ Are attached.

June 23, 2011

[illegible]

Signature 	Date July 11, 2011
Name (Print/Typed) Jacob N. Erlich	Registration Number 24,338



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/141,832	07/11/2011	Rajeev K. Dokania	10845-266	7516

26486 7590 09/14/2011
BURNS & LEVINSON, LLP
125 SUMMER STREET
BOSTON, MA 02110

EXAMINER

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
09/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@burnslev.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BURNS & LEVINSON, LLP
125 SUMMER STREET
BOSTON MA 02110**

**In re Application of
DOKANIA et al.
Application No.: 13/141,832
Filed: 11 July 2011
Attorney Docket No.: 10845-266
For: SYSTEMS AND METHODS FOR
PCO BASED UWB IMPULSE RADIO ...**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 11 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

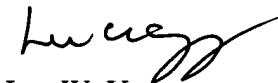
(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young
TQAS Technology Center 2600

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	13/141,872	Filing date:	June 23, 2011
First Named Inventor:	IMAZAKI et. al.		

Title of the Invention: ELECTROLYTE FOR PHOTOELECTRIC CONVERSION ELEMENTS, AND PHOTOELECTRIC CONVERSION ELEMENT
AND DYE-SENSITIZED SOLAR CELL USING THE ELECTROLYTE

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/071609

The international date of the corresponding PCT application(s) is/are: December 25, 2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE JPO AND THE USPTO**

(continued)

Application No.: 13/141,872

First Named Inventor: IMAZAKI et. al.

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒Has already been filed in the above-identified U.S. application on June 23, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☐Have already been filed in the above-identified U.S. application on June 23, 2011**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claim 1 of the US application corresponds to claim 1 of the PCT Application.
2	2	Claim 2 of the US application corresponds to claim 2 of the PCT Application.
3	3	Claim 3 of the US application corresponds to claim 3 of the PCT Application.
4	4	Claim 4 of the US application corresponds to claim 4 of the PCT Application.
5	5	Claim 5 of the US application corresponds to claim 5 of the PCT Application.
6	6	Claim 6 of the US application corresponds to claim 6 of the PCT Application.
7	7	Claim 7 of the US application corresponds to claim 7 of the PCT Application.
8	8	Claim 8 of the US application corresponds to claim 8 of the PCT Application.
9	9	Claim 9 of the US application corresponds to claim 9 of the PCT Application.
10	10	Claim 10 of the US application corresponds to claim 10 of the PCT Application.
11	11	Claim 11 of the US application corresponds to claim 11 of the PCT Application.
12	7	Claim 12 of the US application corresponds to claim 7 of the PCT Application.
13	8	Claim 13 of the US application corresponds to claim 8 of the PCT Application.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Joseph P. Carrier/	Date June 28, 2011
Name (Print/Typed) Joseph P. Carrier	Registration Number 31,748

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

STATEMENT

I, the below named translator, hereby state that:

My name and post office address are as stated below:

I am knowledgeable in the English language and in the Japanese language, and I state that the English translation of the claims of the PCT Application No. PCT/JP2009/071609 which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application is accurate.

DATE: June 24, 2011

Full name of the translator: Fumio MITSUHASHI

Signature of the translator: _____

Post Office Address: Hayakawa-Tonakai Bldg. 3F,
12-5, Iwamoto-cho 2-chome,
Chiyoda-ku, Tokyo

ION-105-A

English Translation of PCT Claims

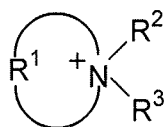
1. An electrolyte for a photoelectric conversion element comprising an ionic liquid (A) and a carbon material (B), wherein

the carbon material (B) is a carbon material (B1) displaying a pH, measured by a pH measuring method specified in Japanese Industry Standard (JIS) Z8802, of from 2 to 6 and/or a boron-modified acetylene black (B2), and

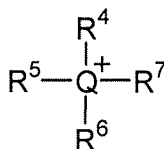
a content of the carbon material (B) is from 10 to 50 parts by mass per 100 parts by mass of the ionic liquid (A).

2. The electrolyte for a photoelectric conversion element according to claim 1, wherein a primary average particle size of the carbon material (B1) is from 0.010 to 0.050 μm .

3. The electrolyte for a photoelectric conversion element according to claim 1 or 2, wherein the ionic liquid (A) comprises a cation that is expressed by the following Formula (1) or (2):



(1)



(2)

(in Formula (1), R^1 is a hydrocarbon group having from 1 to 20 carbons that may include a hetero atom, and may include a substituent having 1 to 20 carbons that may

include a hetero atom; R^2 and R^3 are each independently a hydrogen atom or a hydrocarbon group having from 1 to 20 carbon atoms, and may include a hetero atom. However, the R^3 moiety is absent if the nitrogen atom includes a double bond. In formula (2), Q is a nitrogen, oxygen, phosphorus, or sulfur atom; and R^4 , R^5 , R^6 , and R^7 are each independently a hydrogen atom or a hydrocarbon group having 1 to 8 carbons that may include a heteroatom. However, the R^7 moiety is absent if Q is an oxygen or a sulfur atom).

4. The electrolyte for a photoelectric conversion element according to claim 3, wherein the ionic liquid (A) comprises iodine ions as anions.

5. The electrolyte for a photoelectric conversion element according to any of claims 1 to 4, further comprising less than 10 parts by mass of a carbon material (C1) having a specific surface area of from 1,000 to 3,500 m^2/g per 100 parts by mass of the ionic liquid (A) as another carbon material (C), aside from the carbon material (B).

6. The electrolyte for a photoelectric conversion element according to any of claims 1 to 5, further comprising less than 10 parts by mass of a carbon black (C2) having a nitrogen adsorption specific surface area not less than 90 m^2/g per 100 parts by mass of the ionic liquid (A) as the other carbon material (C), aside from the carbon material (B).

7. The electrolyte for a photoelectric conversion element according to claim 5 or 6, wherein a total content of the carbon material (B) and the other carbon material (C) is from 10 to 50 parts by mass per 100 parts by mass of the ionic liquid (A).

8. The electrolyte for a photoelectric conversion element according to any of claims 5 to 7, wherein a ratio [carbon material (B)/other carbon material (C)] of the carbon material (B) to the other carbon material (C) is from 99.9/0.1 to 60/40.

9. The electrolyte for a photoelectric conversion element according to one of claims 5 to 8, wherein a primary average particle size of the carbon material (C1) is from 0.5 to 120 μm .

10. A photoelectric conversion element comprising a photoelectrode including a transparent conductive film and a metal oxide semiconductor porous film;

a counterelectrode disposed opposite the photoelectrode; and

an electrolyte layer disposed between the photoelectrode and the counterelectrode, wherein

the electrolyte layer is the electrolyte for a photoelectric conversion element according to any of claims 1 to 9.

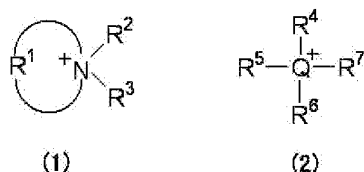
11. A dye-sensitized solar cell comprising the photoelectrode according to claim 10 carrying a

photosensitized dye.

請求の範囲

- [請求項1] イオン性液体（Ａ）および炭素材料（Ｂ）を含有し、
前記炭素材料（Ｂ）が、ＪＩＳＺ８８０２規定のｐＨ測定方法により測定したｐＨが２～６を示す炭素材料（Ｂ１）および／またはホウ素変性アセチレンブラック（Ｂ２）であり、
前記炭素材料（Ｂ）の含有量が、前記イオン性液体（Ａ）１００質量部に対して１０～５０質量部である光電変換素子用電解質。
- [請求項2] 前記炭素材料（Ｂ１）の１次平均粒子径が、０．０１０～０．０５０μmである請求項１に記載の光電変換素子用電解質。
- [請求項3] 前記イオン性液体（Ａ）が、下記式（１）または（２）で表されるカチオンを有する請求項１または２に記載の光電変換素子用電解質。

[化1]



（式（１）中、 R^1 は、炭素数１～２０のヘテロ原子を含んでいてもよい炭化水素基を表し、炭素数１～２０のヘテロ原子を含んでいてもよい置換基を有していてもよい。 R^2 および R^3 は、それぞれ独立に水素原子または炭素数１～２０の炭化水素基を表し、ヘテロ原子を含んでいてもよい。ただし、窒素原子が二重結合を含む場合、 R^3 は存在しない。式（２）中、 Q は、窒素原子、酸素原子、リン原子または硫黄原子を表し、 R^4 、 R^5 、 R^6 および R^7 は、それぞれ独立に水素原子または炭素数１～８の炭化水素基を表し、ヘテロ原子を含んでいてもよい。ただし、 Q が酸素原子または硫黄原子の場合、 R^7 は存在しない。）

- [請求項4] 前記イオン性液体（Ａ）が、ヨウ素イオンをアニオンとして有する請求項３に記載の光電変換素子用電解質。
- [請求項5] 更に、前記炭素材料（Ｂ）以外の他の炭素材料（Ｃ）として、比表

面積が $1000 \sim 3500 \text{ m}^2/\text{g}$ の炭素材料 (C1) を前記イオン性液体 (A) 100 質量部に対して 10 質量部未満含有する請求項 1～4 のいずれかに記載の光電変換素子用電解質。

[請求項6] 更に、前記炭素材料 (B) 以外の他の炭素材料 (C) として、窒素吸着比表面積が $90 \text{ m}^2/\text{g}$ 以上のカーボンブラック (C2) を前記イオン性液体 (A) 100 質量部に対して 10 質量部未満含有する請求項 1～5 のいずれかに記載の光電変換素子用電解質。

[請求項7] 前記炭素材料 (B) および前記炭素材料 (C) の合計の含有量が、前記イオン性液体 (A) 100 質量部に対して 10～50 質量部である請求項 5 または 6 に記載の光電変換素子用電解質。

[請求項8] 前記炭素材料 (B) と前記炭素材料 (C) との含有量の比率 [炭素材料 (B) / 炭素材料 (C)] が、 $99.9/0.1 \sim 60/40$ である請求項 5～7 のいずれかに記載の光電変換素子用電解質。

[請求項9] 前記炭素材料 (C1) の 1 次平均粒子径が、 $0.5 \sim 120 \mu\text{m}$ である請求項 5～8 のいずれかに記載の光電変換素子用電解質。

[請求項10] 透明導電膜および金属酸化物半導体多孔質膜を有する光電極と、前記光電極に対向して配置される対向電極と、前記光電極と前記対向電極との間に配された電解質層とを有し、前記電解質層が、請求項 1～9 のいずれかに記載の光電変換素子用電解質である光電変換素子。

[請求項11] 請求項 10 に記載の光電極に光増感色素を担持させてなる色素増感太陽電池。

STATEMENT

I, the below named translator, hereby state that:

My name and post office address are as stated below:

I am knowledgeable in the English language and in the Japanese language, and I state that the English translation of the Written Opinion of the International Searching Authority issued to the PCT Application No. PCT/JP2009/071609 is accurate.

DATE: June 28, 2011

Full name of the translator: Fumio MITSUHASHI

Signature of the translator: _____



Post Office Address:

Hayakawa-Tonakai Bldg. 3F,
12-5, Iwamoto-cho 2-chome,
Chiyoda-ku, Tokyo

PATENT COOPERATION TREATY

From the Japan Patent Office
INTERNATIONAL SEARCHING AUTHORITY

To:
WATANABE, Mochitoshi

Hayakawa-tonakai Bldg. 3F,
12-5, Iwamoto-cho 2-chome,
Chiyoda-ku, Tokyo 1010032 Japan

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **09.02.2010**

Applicant's or agent's file reference

W-4308PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2009/071609

International filing date (day/month/year)

25.12.2009

Priority date (day/month/year)

26.12.2008

International Patent Classification (IPC) or both national classification and IPC

Int.Cl. **H01M14/00 (2006.01) i, H01L31/04 (2006.01) i**

Applicant

THE YOKOHAMA RUBBER CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Date of completion of this opinion

29.01.2010

Name and mailing address of the ISA/IP

Japan Patent Office

3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan

Authorized officer

Hiroyuki MAEDA

Telephone no. 03-3581-1101 Extension 3477

4X

2930

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/071609

Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
☒ the international application in the language in which it was filed.
☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(b)).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
 - a. (means)
☐ on paper
☐ in electronic form
 - b. (time)
☐ in the international application as filed
☐ together with the international application in electronic form
☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2009/071609

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations:

Claims 1 - 11

The invention according to claims 1 to 11 has novelty and inventive step over all the documents cited in the International Search Report.

None of the cited documents discloses or suggests the invention of claims 1 to 11, and hence even a person skilled in the art would have never readily arrived at the invention of claims 1 to 11.

特 許 協 力 条 約

発信人 日本国特許庁（国際調査機関）

代理人 渡辺 望稔 様 あて名 〒101-0032 日本国東京都千代田区岩本町2丁目12番5号 早 川トナカイビル3階		PCT 国際調査機関の見解書 (法施行規則第40条の2) [PCT規則43の2.1]	
		発送日 (日.月.年) 09.02.2010	
出願人又は代理人 の書類記号 W-4308PCT		今後の手続きについては、下記2を参照すること。	
国際出願番号 PCT/J P 2009/071609	国際出願日 (日.月.年) 25.12.2009	優先日 (日.月.年) 26.12.2008	
国際特許分類 (IPC) Int.Cl. H01M14/00(2006.01)i, H01L31/04(2006.01)i			
出願人 (氏名又は名称) 横浜ゴム株式会社			

1. この見解書は次の内容を含む。 <input checked="" type="checkbox"/> 第I欄 見解の基礎 <input type="checkbox"/> 第II欄 優先権 <input type="checkbox"/> 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不成 <input type="checkbox"/> 第IV欄 発明の単一性の欠如 <input checked="" type="checkbox"/> 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明 <input type="checkbox"/> 第VI欄 ある種の引用文献 <input type="checkbox"/> 第VII欄 国際出願の不備 <input type="checkbox"/> 第VIII欄 国際出願に対する意見	
2. 今後の手続き 国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。 この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。 さらなる選択肢は、様式PCT/ISA/220を参照すること。	
3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。	

見解書を作成した日 29.01.2010	
名称及びあて先 日本国特許庁 (ISA/J P) 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官 (権限のある職員) 前田 寛之 電話番号 03-3581-1101 内線 3477

様式PCT/ISA/237 (表紙) (2007年4月)

第 I 欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。

☒ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である _____ 語に翻訳された、この国際出願の翻訳文
(P C T 規則12.3(a)及び23.1(b))

2. ☐ この見解書は、P C T 規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (P C T 規則 43 の 2.1(b))。

3. この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a. タイプ ☐ 配列表

☐ 配列表に関連するテーブル

b. フォーマット ☐ 紙形式

☐ 電子形式

c. 提出時期 ☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4. ☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5. 補足意見：

第Ⅴ欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則 43 の 2.1(a) (i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求項	1 - 1 1	有
	請求項		無
進歩性 (I S)	請求項	1 - 1 1	有
	請求項		無
産業上の利用可能性 (I A)	請求項	1 - 1 1	有
	請求項		無

2. 文献及び説明

請求項 1 - 1 1

請求項 1 - 1 1 に係る発明は、国際調査報告で引用したいずれの文献に対しても、新規性及び進歩性を有する。

いずれの文献にも、請求項 1 - 1 1 に係る発明は開示も示唆もされておらず、当業者といえども容易に着想し得たということはできない。



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/141,872	06/23/2011	Yoshimasa Imazaki	ION-105-A	7786

21828	7590	10/25/2011
CARRIER BLACKMAN AND ASSOCIATES		
43440 WEST TEN MILE ROAD		
EATON CENTER		
NOVI, MI 48375		

EXAMINER	
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ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
10/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cbalaw@gmail.com
cbalaw@ameritech.net
wblackman@ameritech.net



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WG

October 24, 2011

In re application of	:	DECISION ON REQUEST TO
Yoshimasa Imazaki et al.	:	PARTICIPATE IN PATENT
Serial No. 13/141,872	:	PROSECUTION HIGHWAY
Filed: June 23, 2011	:	PROGRAM AND
For: ELECTROLYTE FOR	:	PETITION TO MAKE SPECIAL
PHOTOELECTRIC CONVERSION	:	UNDER 37 CFR 1.102(a)
ELEMENTS, AND PHOTOELECTRIC	:	
CONVERSION ELEMENT AND	:	
DYE-SENSITIZED SOLAR CELL	:	
USING THE ELECTROLYTE	:	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed June 28, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

Application No. 13/141,872

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	13141953	Filing date:	2011-06-23
First Named Inventor:	Marco CARETTI		

Title of the
Invention: Method of Dimensioning Radio Access Networks, Corresponding System and Computer Program Product

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: PCT/IT2008/000786

The international filing date of the corresponding
PCT application(s) is/are: 2008-12-23

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	13141953
First Named Inventor:	Marco CARETTI

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

1

Is attached

☐

Has already been filed in the above-identified U.S. application on

2011-06-23

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

7

Are attached.

☐

Have already been filed in the above-identified U.S. application on

2011-06-23

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature <u>/Gary D. Fedorochko/</u>	Date <u>October 12, 2011</u>
Name (Print/Typed) <u>Gary D. Fedorochko</u>	Registration Number <u>35509</u>

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/141,953	06/23/2011	Marco Caretti	007760.00005	8290
22907 7590 10/31/2011 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER SHEN, QUN	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 10/31/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of
CARETTI et al.

Application No.: 13/141,953

Filed: 23 June 2010

Attorney Docket No.: 007760.00005

For: METHOD OF DIMENSIONING
RADIO ACCESS NETWORKS,
CORRESPONDING SYSTEM AND
COMPUTER PROGRAM PRODUCT

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 13 October 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young
Quality Assurance Specialist
Technology Center 2600